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ARTICLES

17 George Bush's House Training *by Byron York*
The president is learning to work with his party in Congress.

18 Once More, with Feeling *by Ramesh Ponnuru*
Back to the drawing board on taxes.

20 The Vex of Mex *by John O'Sullivan*
Why Bush's amnesty proposal will backfire.

24 Silence of the Frankenfoodies *by Jonah Goldberg*
They care about turnips, not people.

26 Cash Bar *by Kate O'Beirne*
How trial lawyers bankroll the Democratic party.

28 Welcome to 'Tort Hell' *by Jay Nordlinger*
West Virginia, that is. A 'doctors crisis.'

30 The Road to Reform *by Michael J. Horowitz*
How the trial lawyers can be fought.

32 The Numinous Negro *by Richard Brookhiser*
His importance in our lives; why he is fading.

34 D.C. Blue—Very Blue *by John J. Miller*
The force that Marion Barry built (or wrecked).

36 Weed Whackers *by Richard Lowry*
The anti-marijuana forces, and why they're wrong.

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WORLD WIDE WEB
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BOOKS, ARTS & MANNERS

Entitlement Publishing—*Terry Teachout,* ***page 44***
The Wind Done Gone, *by Alice Randall*

The First 'Black Conservative'?
—*Thomas Sowell,* ***page 45***
Rac[e]ing to the Right, *by George S. Schuyler*

Abandoned Ship—*Jeffrey Hart,* ***page 46***
In Harm's Way: The Sinking of the USS *Indianapolis* and the Extraordinary Story of Its Survivors, *by Doug Stanton*

Sickness and Health—*Wesley J. Smith,* ***page 48***
Saving Milly: Love, Politics, and Parkinson's Disease, *by Morton Kondracke*

Music: Dylan and Tradition—*Martha Bayles on* Bob Dylan's 60th birthday, ***page 49***

Film: Apes & Scrapes—*John Simon on* Ghost World *and* Planet of the Apes, ***page 50***

SECTIONS

4 Letters
6 For the Record
8 The Week
39 The Long View
40 Help!
51 Poetry
52 Shelf Life
54 On the Right
56 The Misanthrope's Corner

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■ LETTERS ■

THE MARRYING KIND

A paragraph in The Week (Aug. 6) mentioned Family Research Council's skepticism regarding the proposed marriage amendment. Permit me to clarify our position.

FRC is irrevocably committed to the defense of marriage. We have steadfastly opposed all efforts, judicial and legislative, to alter the definition of marriage or coin counterfeits to replace it. But we are not persuaded that this amendment is the proper vehicle to preserve marriage.

The amendment as drafted would protect the word "marriage," but not the institution. While it strips the courts of the authority to impose same-sex unions on unwilling states, advocates admit that the amendment would permit state legislatures to enact such unions or to extend all legal benefits and incidents of marriage to other novel arrangements, thereby emptying the institution of any meaningful substance.

Proponents of the amendment argue that the issue is merely being returned to the democratic process. But even in a system of representative self-government, the people do not have the right to do what is wrong. FRC does not accept the proposition that marriage, a divinely ordained institution, can be dismantled by legislatures. Legislatures have no more authority in this realm than do the courts.

An amendment is just one approach to the preservation of marriage. FRC has supported, and will continue to support, whatever local, state, or federal laws and amendments are necessary to attain this end.

Kenneth L. Connor
President, Family Research Council
Washington, D.C.

THE EDITORS REPLY: *We appreciate the Council's efforts in behalf of marriage. Our disagreement is tactical—and, we hope, temporary. Mr. Connor objects that the constitutional amendment "would permit" state legislatures to enact laws, such as laws creating "civil unions," that would undermine the institution of marriage. But the amendment does not grant any such authority to the states; it "permits" nothing that the Constitution does not already permit. It is worth noting, as well, that there is no great popular demand for civil unions; they have been created only under court order, a maneuver the amendment would ban. To object to the amendment because it would block some serious assaults on marriage but not every conceivable one is, it seems to us, misguided.*

LIFE AND ITS TAKING

Contrary to Ramesh Ponnuru's position ("Cells, Fetuses, and Logic," July 23), one does not need to define when life begins in order to argue the abortion issue. Socially sanctioned killing occurs in many circumstances where there is no question about the humanity of the victim(s), as in capital punishment or in war. The argument should be whether the killing of a fetus should receive social sanction.

To make such a determination, society must express clearly the relative value of the life of a fetus. This is measured against how destructive its birth and subsequent life will be on the lives of its stewards. In the case of a nine-year-old girl who is raped, it would be very destructive. For a married couple who want to space their children, it would be merely an inconvenience.

No matter how distasteful it is to speak of killing a fetus or about the relative value of a human life, we must speak of these things, clearly and directly, in order to narrow the argument and reach consensus.

David Marwil, M.D.
Lexington, Ky.

RAMESH PONNURU REPLIES: *To participate in the abortion debate, it is necessary to establish when human lives begin for two reasons: 1) If a newly conceived embryo is not a human being, it has no rights or moral claim on us (although there may still be weaker moral principles governing our proper treatment of it), and 2) many proponents of abortion start their argument, at least implicitly, with the denial that human lives begin at conception. Dr. Marwil is correct to point out that the pro-life conclusion requires an additional premise: that the intentional killing of an innocent human being is wrong. Once we begin taking human lives because of our judgment that the consequences of their killings will be beneficial to others, there is no end to the horrors we can sanction.*

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■ FOR THE RECORD ■

■ As Treasury begins mailing $38 billion in rebates to 90 million taxpayers, President **Bush** comments: "I said the federal government was overcharging [Americans], and on your behalf I demanded a refund. Congress worked with me in a bipartisan way, and now your money is on its way back to you.". . . According to Democratic pollster **Celinda Lake**, 53 percent of Americans believe their taxes will rise next year. . . . Bush in World Bank speech: "I respect the right to peaceful expression, but make no mistake—those who protest free trade are no friends of the poor. Those who protest free trade seek to deny them their best hope for escaping poverty." . . . In Harris poll, 81 percent say **Laura Bush** improves image of First Lady, and 48 percent believe **Hillary Clinton** harmed it. . . . Bush places bust of **Winston Churchill** in Oval Office, beside **Eisenhower** and **Lincoln**; UPI reports Bush received bust from British ambassador **Christopher Meyer**, who had heard president lament lack of one at White House. . . . Rep. **John Dingell** (D., Mich.) says Bush's positions are unpopular: "As a matter of fact, I'm not sure I'd come to the conclusion that I'd rather be Mr. Bush than Mr. **Condit**."

■ Sen. **Tom Daschle** tells reporters he might not even run for reelection in '04, let alone the White House: "I'm not thinking of doing anything right now, until after the 2002 elections." . . . Daschle tells *The Hill* that a good majority leader needs "the ability to grovel . . . I've groveled a lot." . . . New poll in Daschle's South Dakota shows Rep. **John Thune** (R.) leading incumbent **Tim Johnson** (D.) in hypothetical 2002 Senate contest, 45 percent to 39 percent. . . . Sen. **John Edwards** (D., N.C.) plans Mideast trip in move widely seen as attempt to burnish foreign-policy credentials before presidential run. . . . Retired Army Lt. Gen. **Claudia Kennedy**, known for charging Pentagon colleagues with sexual harassment in 1996, weighs running for Senate as Democrat against Sen. **John Warner** (R., Va.). . . . Newly released documents show labor unions "had veto power over Democratic party plans in 1996 by virtue of their large donations and seats on the steering committees in each state," reports AP. . . . Mold as pork: Senate Budget Committee chairman **Kent Conrad** (D., N.D.) seeks $5 million "to address mold problems on the Turtle Mountain Indian reservation."

■ National Abortion Federation launches $2 million ad campaign in support of RU-486 abortion pill. "We don't need to be ashamed about abortion as an option," says **Lorie Spear** of Planned Parenthood in Chicago, in

"We're a two-income family—I hunt and she gathers."

AP. . . . Sen. **Mike DeWine** (R., Ohio) to INS commissioner **James W. Ziglar** at confirmation hearings: "You inherit a an agency that's a mess." . . . Former California governor **Pete Wilson**, on proposed amnesty for Mexican illegal aliens: "It sends a message that if you, in fact, enter the country illegally and are patient, you will become legalized." . . . Sen. **Harry Reid** (D., Nev.) on Justice **Antonin Scalia**, on Fox News: "I'm not like most Democrats. I like Scalia. I don't agree with a lot of his opinions, but I'm truly amazed at his ability to reason, to think." . . . Boeing creates new corporate division for missile-defense projects. . . . Conservative Rep. **Richard Pombo** (R., Calif.) elected chairman of House Western Caucus.

■ House minority leader **Dick Gephardt** on raising taxes in *Des Moines Register*: "Let me tell you something, I'm glad we did what was right in 1993, and I'll do it again because I believe in being fiscally responsible with the taxpayers' money." . . . *American Heritage* magazine dubs DCCC fundraiser **Jane Fonda** "Ms. America," the individual who provides "a mirror of the nation's past 40 years." . . . **Katherine Harris** "seriously considering" running for Congress. . . . Republicans "actively courting" ex-Rep. **Rick Lazio** (R., N.Y.) to run again for his old House seat. . . . Erie *Times-News* reports Gov. **Tom Ridge** (R., Penn.) will not join Bush administration before 2004: "We'll see whether I go [to Washington] at that time." . . . Rasmussen poll has Virginia governor race too close to call for first time in eight months, with 39 percent for tech millionaire **Mark Warner** (D.), 37 percent for ex-attorney general **Mark Earley** (R.). . . . Former RNC chairman **Haley Barbour** considers running for governor of Mississippi.

■ **Katharine Graham**'s funeral was major VIP Alert, with **Bill Gates**, **Barbara Walters**, **Robert McNamara**, **Arthur Schlesinger**, **Vernon Jordan**, Sen. **Bob Graham** (D., Fla.), Sen. Clinton and Mr. Clinton and Vice President **Cheney** all in attendance; ex-senator **John Danforth** delivered homily, and eulogists included **Ben Bradlee** and **Henry Kissinger**. . . . **David Gergen**: "Kay Graham was there to protect our freedom." . . . **Robert Edgar**, general secretary of National Council of Churches of Christ: "You will shortly be receiving your thirty pieces of silver (or $300 to $600) in the form of a tax rebate." Urges Americans to "reinvest your tax rebate with the poor." . . . The National Journalism Center is taking applications for its fall session, a 12-week program for aspiring young journalists. For more information, see http://nationaljournalismcenter.org.

■ Mexican attorney general investigates immigration officers charged with taking bribes to permit passage of Central Americans to U.S. border. . . . Clashing warlords leave scores dead in Somali capital of Mogadishu.

■ Wyoming rancher **Ed Weppner** tells *New York Times* the MX missile silo contained on his land doesn't faze him: "It's more uncomfortable to me walking down the streets of New York City." **NR**

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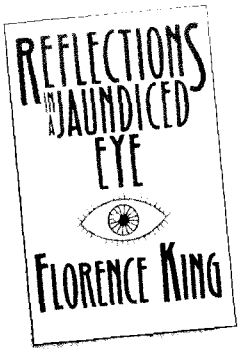

Reflections in a Jaundiced Eye King administers industrial-strength smelling salts to rouse any spirit that's been overcome by the smog of "caring 'n' compassion." This collection of brilliant essays dishes out curmudgeon justice by exalting the likes of Good King Herod and Spinsterhood while abasing the culturally malignant (including "Democrazy" and the "Cult of Helpism"). "To say that Florence King doesn't suffer fools gladly is an understatement akin to suggesting that Fred Astaire could maneuver quite nicely on the dance floor."—*People* **$8.95/quality paperback.**

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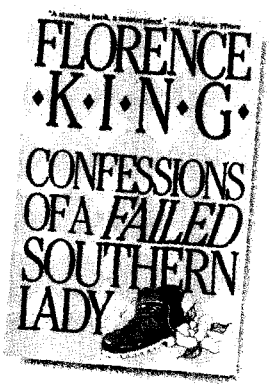
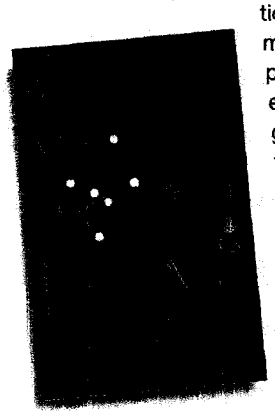
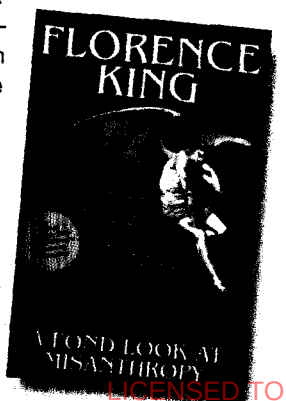


Lump It or Leave It King gives no quarter in these acid-laced reflections on American tomfoolery. From the joys of menopause to the hazards of fame, from college professors ("incapable of earning a living with either their minds or their hands") and the U.S. government ("the crude leading the crud") to that favorite of subjects, the South ("if at first you don't secede, try, try, again"), there are few blockheads or brainless trends left standing after Miss Anthrope has her way with them. "The scent of sulphur and brimstone wafts off the page. . . . venom on a par with Dorothy Parker's literary bite."—*Chicago Sun-Times* **$10.95/quality paperback.**



With Charity Toward None: A Fond Look at Misanthropy America's unreconstructed people-hater gleefully separates the weak from the chafing in this masterpiece on *la vie misanthrope* ranging from Timon of Athens to Ty Cobb. Zip open the body bags of King's victims and you'll find faux misanthropes (Jean-Jacques Rousseau, Andy Rooney), closet misanthropes (Richard Nixon), and a slew of humanitarian rabble. "The only trouble with this book is that its covers are too close together."—*New York Times* **$10.95/quality paperback.**



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THE WEEK

■ Robert F. Kennedy Jr. has named his child Aidan Caohman Vieques Kennedy (note the second-to-the-last name). That's not the strangest Kennedy-family moniker, however. We understand—seriously now—that Teddy's dog is named Splash.

■ The Bush administration's proposed amnesty for illegal Mexican immigrants produced unexpected reactions: charges of favoritism from Democrats, and confusion from Republicans. If Mexicans are amnestied, why not amnesty illegals from other countries? What signal does amnesty send to foreigners who have tried to obey the law? Responding to the complaints, President Bush blandly said "We'll consider all folks here," but White House spokesman Ari Fleischer, trying to be more specific than folksy, only found himself in knots. Bush, said Fleischer, "has made no decisions about the exact groups that may be [eligible] for more humane and legal treatment." So Fleischer implies that Bush thinks the status quo is inhumane and illegal, and some groups will be left to suffer with it? The president has reaped the just rewards for abandoning clear thought. Citizens of other countries have no claim on the rights of this one. Over the years, the United States has let in no, some, or many immigrants, under policies based on an ever-shifting mix of generosity, necessity, and prudence. No one who misses the cut has any right to feel aggrieved. George W. Bush can't say this because he wants to be the Great Gringo, giving gifts to all the Americas.

■ The tax cut Bush and congressional Republicans passed was justified on moral grounds: The surplus, they rightly said, was a "tax overpayment" that should be reduced. The goal of the tax cut was to keep money from going to Washington. A secondary justification was that the tax cut would give consumers more money to spend and thus stimulate the economy. The flaw in that reasoning is that the current economic doldrums are not a result of falling consumer spending but of a collapse in investment. It is time for a tax cut with a different purpose—improving incentives to save and invest. There is no shortage of policies that could accomplish this: reducing the capital-gains tax, letting businesses deduct the cost of investments as soon as they make them, expanding IRAs. Bush should propose a bill to increase economic growth—and if Democrats balk and the economy continues to slide, he should hold them accountable for it.

■ Some progress on Social Security. The president's commission issued a draft of its preliminary report that validates the work of free-market think tanks and advocacy groups over the past half-decade. It documents that the program's taxes will not be able to cover its benefits by 2016. A "trust fund" is supposed to keep paying for the benefits after this point, but that fund is full of government bonds—and paying off those bonds will require massive tax increases or benefit cuts. Hence the need for reform now. The report also explains that Social Security is a poor investment for almost everyone and especially for blacks, women, and poor people. And it explains how letting workers invest some of their taxes could solve these problems. Two congressmen, Democrat Charles Stenholm and Republican Jim Kolbe, have introduced a pro-investment bill. It is flawed, since it includes too many benefit cuts to be politically viable, but it moves in the right direction. Going the other way are many Democrats, who have responded to the commission report by denying that any problem exists. Well-regarded left-leaning economists are lining up behind two arguments. One is the familiar obfuscation about the "trust fund." The other is that the commission's calculation of rates of return ignores Social Security's provisions for life and disability insurance—which is simply not true, the commission having explicitly included them in the calculations. Even this sort of dishonesty may be taken as progress of a sort: There don't seem to be any serious arguments left against reform.

■ Liberals are now big defense spenders, at least when it comes to charging that the Bush tax cut has starved the Pentagon's budget. Unhappy generals have been quoted anonymously in the press making the same complaint. Superficially, there is something to it—the tax cut left less money for the kind of spending increases that the Pentagon needed. But this is only because of Washington's la-la-land budgetary rules. At the beginning of the year, the budget surplus was roughly $280 billion. After subtracting the tax cut and the effects of the economic slowdown, the surplus will still be about $150 billion. In no meaningful sense does Washington lack the money for defense spending (Secretary Rumsfeld wanted about another $18 billion this year). But congressional Democrats and Republicans have agreed to pretend to believe in Social Security and Medicare "lock boxes," to keep most of the surplus off-limits to more tax cuts and spending. So off-limits it is, not least to a Department of Defense struggling to fix readiness problems and transform the military.

■ As part of the NAFTA agreement, America pledged to let trucks from Mexico and Canada carry cargo across our borders. It is no violation of the spirit of this pledge to conduct more aggressive safety inspections of Mexican trucks than of American or Canadian trucks, since Mexican trucks tend to be less safe. To pile up safety requirements as a way of block-

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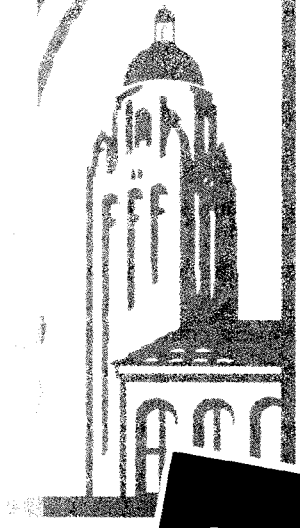
Caroline M. Hoxby is a professor of economics, Harvard University, distinguished visiting fellow, Hoover Institution, and member, Hoover's Koret Task Force on K-12 Education.



In the past decade, forty-nine of the fifty states have adopted some form of statewide testing, which they are beginning to report in user-friendly "school report cards." Most of the report card programs have no stakes or low stakes, so what purpose do they serve? They create openness and information. They light up schools for the people who are supposed to make informed decisions about schools but who are too often kept in the dark: parents and legislators. The information is imperfect, certainly, but parents and policymakers armed with information can at least start a discussion about school improvement.

How much can one expect from a policy that just *informs*, with few stakes? I initially thought that one could expect only negligible results. It turns out that I was wrong. The states that started their testing programs at the beginning of the last decade did not break achievement records, but they did improve achievement at a significantly faster rate than states that only began testing in the past couple of years.

One can show this with simple calculations based on the National Assessment of Educational Progress (NAEP)—the only nationally uniform test that is administered to large representative samples of students in each state. State NAEP testing, which began in 1990, is *designed* to help states track their achievement over time. No one "teaches to" the NAEP test because only a sample of students take it and no individual school's NAEP scores get reported.

I recorded the first year in which each state began its report card program. (I did not count a state if it conducted tests but kept parents in the dark about school and district results.) States with early school report card programs include Texas, Washington, Kentucky, Maryland, Michigan, Connecticut, and Wisconsin. States that got on the report card bandwagon only lately include Iowa, Nebraska, Utah, Virginia, and South Carolina.

I looked to see whether states experienced growth in NAEP scores after they began report card systems (compared to states that had not yet begun such systems). I found that nine-year-olds' reading scores improved 0.26 points faster each year after testing began. Thirteen-year-olds' math scores improved 0.28 points faster each year after testing began. (Full results are available at www.economics.harvard.edu.) These gains are not tremendous, but they are statistically significant and do add up over a decade. **At the end of ten years, the nine-year-olds' reading scores would be 2.6 points higher and the thirteen-year-olds' math scores would be 2.8 points higher.**

Statewide standardized tests and school report cards may be unpleasant for ineffectual educators, but they should not be controversial with parents or policymakers who want to see higher achievement. Schools conduct themselves better when their constituents are informed.

— Caroline M. Hoxby

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ing Mexican trucks altogether, on the other hand, is protectionist (and dishonest). Yet that is what congressional Democrats, and many Republicans, are trying to do. The Bush administration and the Republican leadership in Congress are on the side of the angels here, fighting for free trade. But one of their tactics—denouncing the Democrats for being "anti-Hispanic"—has been opportunistic. (We admit that it is heartwarming to see Tom Daschle saying, "That kind of rhetoric ought not to be excused.") Democrats are not blocking trade with Mexico because they are hostile to Hispanics. Being subservient to the unions is motive enough.

■ John McCain has always had a pretty conservative voting record, so lately maybe he has just been regressing toward the mean. But for whatever reason, he has had an admirable couple of weeks: defending free trade when it comes to Mexican truckers, sticking up for unfairly embattled consumer-protection nominee Mary Sheila Gall, agitating for more defense spending, fighting corporate welfare. Good for him. But it is worth noting that the famously bipartisan McCain hasn't gotten much Democratic support in these fights—he gets help from across the aisle (and a nice media bounce) only when he supports more regulation. McCain can, nonetheless, continue his winning streak if he follows through on his support for Social Security reform in last year's campaign. The senator is well situated to respond to the demagogic attacks it is drawing from Democrats. Bring on the straight talk.

■ Michael Bloomberg, the billionaire political novice running for mayor of New York, said recently he supported posting the Ten Commandments in public schools—"I don't see how you can study history without reading the Ten Commandments"—and having kids recite the Lord's Prayer—"It's the way I grew up, and I didn't turn out so bad." Political New York landed on him as if he had endorsed pedophilia. (They landed harder, actually; there are probably precincts where the pro-pedophile vote is not insignificant.) No wonder liberals hate term limits: When tyros enter the arena, they say blasphemous things.

■ Cincinnati has just completed a concentrated experiment in liberal policing: An April riot was explained away as legitimate black anger against the cops; city officials made it clear that they consider the police force racist; the cops backed off aggressive policing practices in black neighborhoods; crime skyrocketed, with a sixfold increase in shooting victims, all but one of them black. Call it the Sharpton plan: less "racial profiling," more black corpses.

■ The House passed a ban on human cloning—after beating back a weak alternative to it. The latter bill, offered by pro-abortion Republican Jim Greenwood of Pennsylvania, drew an imaginary distinction between "therapeutic cloning" and "reproductive cloning." Scientists would have been allowed to create a human embryo on the condition that they use it for research rather than implant it in a womb. The law would have been unenforceable. (If a woman were to use a cloned embryo to begin a pregnancy, what would the government do? Demand that she get an abortion?) But it would have broken new legal ground, in that for the first time American law would have recognized a class of human beings that other people are *obligated* (not just allowed) to kill. Thankfully, Congress avoided the whole morass by passing a ban on the cloning of human beings for any purpose, as President Bush urged.

■ He may not be Talleyrand or Bismarck, but so far Bush has handled diplomacy with the Russians with a deft combination of silk and steel. He has buttered up the not-very-cuddly Vladimir Putin with gushing personal comments ("My, what honest eyes you have!") and promised new negotiations over missiles and missile defense. This all serves to undercut European and U.S. opposition to missile defense, since critics are nowhere without the intransigence of Putin (they mainly argue that building a system will poison relations with the Russians and start a new arms race). But Bush has also made it clear that he will "move beyond" the ABM treaty with or without the Russians, giving them an incentive to get serious about negotiations. Moscow, of course, still hopes to consult missile defense into oblivion: A high-level Russian official, for instance, has helpfully suggested including North Korea and Iran in any ABM talks. Which serves to highlight the importance of the "without the Russians" option.

■ The motley eco/anarchist protests at meetings of the G-8 began as political tourism for kids: "It's like following the Grateful Dead," one Canadian anarchist told *Time*. But in Genoa, the movement ratcheted up a notch—over 100,000 protesters and rioters turned out, causing more than $20 million in damage—and claimed its first martyr, Carlo Giuliani, shot as he attacked police. For decades Soviet Communism gave angry leftists a catalyst: Whether they wanted to support the Sandinistas, take missiles out of Europe, or take Americans out of Vietnam, the Soviet Union was involved either as ringmaster or potential beneficiary. Communism fell ten years ago, but the turbulent spirits remain, seeking new causes. The United States and capitalism, which loom as the only superpower and world system left standing, are the most conspicuous available targets. Not surprisingly, demonstrations have been most extensive in European countries that are already run by governments of the moderate Left committed to anti-American policies. Social Democratic leaders, with Green-party colleagues in tow, stimulate appetites they cannot gratify. Next year's summit will be held in a remote resort in Alberta, Canada. Rebels of the world are already scoping out plane fares.

■ On the eve of Colin Powell's visit to China, the Chinese government released two Chinese-born academics with American residency whom they had accused of spying. Qin Guangguang was working for an American pharmaceutical company in Beijing; his supposed offense is unclear. Gao Zhan is a sociologist at American University who was collecting published Chinese articles on relations with Taiwan and for-

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warding them to another researcher in Hong Kong. For this sinister deed, she was seized, along with her husband and five-year-old son, in February. They were released after three and a half weeks, but she was kept in jail and given the third degree (twelve-hour interrogations under a bare bulb). At the end of her ordeal, she was sentenced to ten years in prison, then freed on medical parole. Powell said that Beijing's relenting—the capricious mercy of despots—showed that the Chinese "are anxious to work with us." But the State Department over which he presides has not rescinded its warning to Chinese-born American citizens and permanent residents that they risk arrest if they have criticized China or have any contact with Taiwan. China doesn't like any criticism, but it will *imprison* ethnic Chinese critics. Isn't this administration supposed to be against racial profiling?

■ Israel is on the receiving end of a fine example of a "two-minute hate," in Orwell's memorable expression. Two-minute hates often involve reversing, loudly and summarily, what everyone has known to be the truth. In this case, it means presenting Israel as the wrecker of the Camp David talks and the peace process, and therefore deserving of whatever it gets. The *New York Times*—abetted by self-excusing Clinton men—is leading the revisionist charge. In reality, however, Ehud Barak made concessions to the Palestinians at Camp David that staggered first his colleagues, and then the Israeli electorate. He offered to split the sovereignty of Jerusalem, to accept returning refugees, to return 97 percent of the occupied territory, and to compensate for the missing 3 percent with a swap of land in Israel. This was courageous to the point of foolhardiness. The net result of the late revising is to place blame on Barak and delegitimize the Israeli position of pursuing peace, while at the same time shoring up Yasser Arafat and justifying the Palestinian stance of pursuing violence. Orwell also pointed out where two-minute hates lead: perpetual warfare.

■ Happy days in Baghdad, where Saddam Hussein has just built the well-named Mother of All Battles mosque, whose minarets are Scud-shaped, complete with launch platforms. There's also a best-selling but anonymous novel in the shops with the title *Zabibah and the King*, featuring a misunderstood ruler who rescues an abused woman. Those in the know claim that the author is Saddam, hitting on a metaphor for himself and Iraq. *Mein Kampf*, and all those pompous monuments run up by Albert Speer, have new successors.

■ Aleksandr Solzhenitsyn has produced another book, this one called *Two Hundred Years Together*. It is a history and examination of "the Jewish question" in Russia, from 1795 to 1995. It is a question that still burns in Russia, involving gross misunderstanding. Solzhenitsyn's book is not yet available in English, but there has been a translation of the introduction. In it, he writes, "Through a half-century of work on the history of the Russian Revolution, I repeatedly came face to face with the question of Russian-Jewish interrelations. Time and again it would enter as a sharp wedge into events, into people's psychology, and arouse blistering passions. I never lost hope that there would come, before me, a writer who might illumine for us all this searing wedge, generously and equitably." But there did not come such a writer; so Solzhenitsyn, typically—in his seventies and eighties—offered up himself. As he writes, "For many years I postponed this work and would even now be pleased to avert the burden of writing it. But my years are nearing their end and I feel I must take up this task." The last thing we needed was one more measure of the man; but we have it.

■ Robert Bartley is stepping down as editorial-page editor of the *Wall Street Journal* (while remaining editor of the paper at large). Bartley made the editorial page a crusading force for ideas—above all, supply-side economics—that changed America for the better. Attempting to fill his shoes will be Paul Gigot, who currently writes the *Journal*'s excellent "Potomac Watch" column. Gigot's elevation is good news for the commonweal. We wish him luck on one of his first difficult decisions: finding someone to fill his own shoes as a columnist.

■ After an eleven-week silence, the CBS *Evening News* finally ran a story on the disappearance of Chandra Levy. The show and its host, Dan Rather, had been proud of their stubbornness, holding it up as an example of high-minded journalism (Rather signed off one broadcast by calling CBS the home of "hard news"). The reality, as media critics know from endless squabbling over such issues, is more complex. The great establishment media organs honestly do their best to report hard news. But their best is limited by many considerations, from budgets to the narrative demands of their media to (not least) their ideology. Peter Jennings of ABC admitted years ago that the absence of conservative voices in network news was a problem; since he spoke, cable channels like Fox have stepped in to fill ideological (and other) voids. Rather has never recognized that there is a problem; this April, he had to apologize for appearing at a Democratic-party fundraiser in Texas, so easily does he conflate liberalism and objectivity. And that's the way it is.

Adam Smith's Hand

Invisibly, it worked its will
Till California looked
Like sweaty Ghana, while the books
(George Bush was due) got cooked;
Now Sacramento's power grid
Sags under so much juice,
The Governor holds fire sales
And hawks it like cous-cous.

—W. H. von Dreele

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■ One day, a man named Sam G. Nicholson, in Augusta, Ga., received a fax from the local Hooters restaurant, offering coupons. He then did what any normal, red-blooded American would do: He got together a class-action suit against the restaurant. "They're annoying," said Mr. Nicholson, of the faxes. "They're using your paper. They can come in when you're looking for another fax." All true. And a federal law prohibits the faxing of advertising without the consent of the recipient. So Mr. Nicholson and his fellow suers went to court: and a jury awarded them *12 million dollars*. The restaurant, of course, filed for bankruptcy. Said a vice president of the national company, "[This decision] is a poster child for the need for tort reform"—a judgment with which it's hard to disagree.

■ The hip-hop rapper Eminem is on an Australian tour, and the prime minister there, John Howard, provided an expert review: "I don't like his music, I don't like his lyrics, I don't like the allusions to violence that are involved in his performances." The PM warned that Eminem could be thrown out of Australia if he doesn't watch his step since he is on probation after a weapons conviction. Bravo, mate.

■ Winning his third consecutive Tour de France, a gloriously colorful event, Lance Armstrong continues to dominate his sport. He attributes his success to rigorous daily training, meaning: a highly developed work ethic. And, one has to add, spirit and will. Wearing the traditional yellow leader's jersey, he completed ten laps up and down the Champs Elysées, circling the Tuileries Gardens in front of the Louvre before heading for the Arc de Triomphe. Tens of thousands cheered him to the finish, and things don't get much better than this.

POLITICS

Values Lite

THE presidential election of 2000 was a stark demonstration of neoconservative author Ben Wattenberg's proposition that "values matter most." Among whites (81 percent of the electorate), regular churchgoers backed Bush and more secular voters Gore. Bush won the culturally conservative states, Gore the culturally liberal ones. Because the country's political divisions so closely track its cultural ones, values were the subtext of the election. For the same reason, they were not its text. Gore and Bush talked about education and Social Security. They could be confident their cultural partisans would stick with them; and they knew that voters in the middle had no appetite for a culture war.

With the election over, both parties are scrambling to build a majority on values. The debate is most intense among the Democrats, as one would expect given that they lost the White House and consequently have no leader. Their last leader, Bill Clinton, left the party a mixed legacy. On the one hand, he moved to fix its weaknesses on issues related to race, crime, welfare, work, family, religion, and patriotism. On the other, his scandals—and the Democrats' die-hard defense of him during them—left a mark of dishonor. Some liberals think that the party will be fine once memories of Clinton's scandals fade, so that there is no need for further repositioning.

New Democrats, however, want to build on the first half of Clinton's legacy. They are joined by such liberals as pollster Stanley Greenberg, who wants the party to move right on values and left on economics simultaneously, in order to win over low-income white men (who backed Bush). Both groups aim to change the perception that—to quote the New Democratic magazine *Blueprint*—Democrats are "anti-military, anti-traditional family, anti-religious, or anti-Second Amendment." They hope thereby to cut the party's losses among white men, gun owners, married people with kids, frequent churchgoers, and military families.

These Democrats are engaged in a difficult, perhaps impossible, balancing act. On guns, for example, they may try to take a moderate course, promoting "responsible gun ownership" rather than "sweeping national gun control legislation" (again quoting *Blueprint*). But that approach will not satisfy liberals who want sweeping legislation, appease voters who care about gun rights, or convince the majority of Americans in the middle that any gun legislation will do much about crime. That's why the Democrats' candidate for governor of Virginia, Mark Warner, was forced to grovel before gun-control groups after trying to craft such a moderate position.

Republicans, meanwhile, are seen as the party of character and moral standards. They can press their advantage home by forcing Democrats to go on record on values issues. Does the Democrats' tolerance of religion extend to school vouchers? If they are pro-military, will they support missile defense? Will they call a halt to the feminist assault on military culture? Will they make schools receiving federal funds have junior ROTC programs? If they are for the traditional family, will they vote for an amendment protecting marriage from judicial tinkering? If they are friendly to white men, will they junk racial and sexual preferences? If they recognize a right to bear arms, will they protect the right to self-defense? If they are not doctrinaire liberals, will they ban partial-birth abortion?

Republicans, never eager to raise such issues, are even less so now. They are busy working on the party's own supposed values problems—voters' perception that they are intolerant, racially exclusive, and uncompassionate. Republicans are trying to build on their strengths only in uncontroversial ways. Take the president's "faith-based initiative." Liberals have attacked aspects of it, to be sure. But most Democrats support the basic concept. The White House is apparently planning to extend this approach in the fall with a "small-bore" agenda that, according to a document obtained by the *Washington Post*, will promote "universally appreciated values." The *Post* reports, "Bush is considering proposals to help provide e-mail services to link grandparents and grandchildren, add citizenship to the curriculum in schools, increase community use of the Internet, encourage news organiza-

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tions to 'increase reporting of good news,' and promote movies that do not further racial stereotypes." The plan is called "Communities of Character."

The Clintonian overtones are unmistakable. Clinton used such initiatives to increase his popularity, as would Bush. But Clinton also used them to address Democratic weaknesses and make Americans think more favorably of the federal government. Bush's initiatives would likewise legitimize federal activism. They fail to address the GOP's real political problems, such as voters' perception that Republicans oppose popular middle-class entitlements. And they help Democrats solve their own problems: They can endorse conservative symbolism—favoring "good citizenship"—at no cost. Indeed, they will profit when the schools, inevitably, interpret good citizenship to mean letter-writing campaigns to Congress to protect the Arctic National Wildlife Refuge.

The initiative will no doubt provide plenty of "good news" for the media; not for conservatives, or even Republicans.

FOREIGN POLICY

Home Alone?

In a time of world peace and stability, it can be hard to pick holes in a president's conduct of foreign policy, but George W. Bush's critics have found a bad rap to hang on him: He is an isolationist.

Senate majority leader Tom Daschle picked the moment of Bush's departure on his second European trip to say that "we are isolating ourselves" and "minimizing ourselves." As instances of Bush's isolationism, Daschle cited his reluctance to broker peace in the Middle East and stop AIDS in Africa, and his eagerness to pursue a missile-defense system over Russian and European objections. Other critics stressed Bush's failure to sign on to international treaties and agreements: the latest version of the Kyoto protocol on global warming, signed in Bonn; a draft of a pact on germ warfare; and a proposed International Criminal Court.

Many of the specific charges, especially Daschle's, are bogus. The AIDS epidemic in Africa is a catastrophe of African politics and mores, not to be solved by infusions of cash. What would the majority leader suggest—a new imperialism? The Middle East peace process is in hopeless shape because Bush's predecessor tried to race through an agreement; when the Clinton process ran out of gas, the vehicle broke down. After Daschle wrung his hands about Russian objections to Star Wars, Vladimir Putin announced he might well go along with it. The Bonn version of the Kyoto protocol is grandstanding on the part of all its European signatories, designed to please the Greens who are their domestic coalition partners. No industrial countries will sign an actual treaty that cripples their economies.

The Bush administration has specific objections to other proposed international agreements. The germ-warfare pact is unenforceable because of recent expansions in biotech facilities; one American expert on chemical and biological weapons called it "a sieve." The Pentagon argues that an International Criminal Court could arrest American troops who are following the president's orders. This argument impressed President Clinton—until the waning days of his tenure, when he gave the court a green light, and left his successor to deal with the consequences.

The difference between Daschle's foreign policy and Bush's is not between engagement and a solitary existence, half hermit, half pariah. It is between two forms of internationalism: the traditional variety, and what NR's John O'Sullivan calls "supra-nationalism." Traditional internationalism favors alliances and pacts with concrete goals and specific obligations; member nations often have veto power over collective decisions, and always have the freedom to pull out. Supra-nationalism commits those who are unwise enough to go along with it to vague, open-ended projects, with transnational enforcement bureaucracies, and no mechanisms for demurral, or even escape. Traditional internationalism recognizes national sovereignty. Supra-nationalism empowers unelected and irresponsible administrators and bureaucrats—a managerial revolution of international law.

This clash of philosophies looks to be with us until some cataclysm reshuffles the world's deck. President Bush's instincts and actions have been correct. Nation-states have been the launch pads for the gains in liberty, legality, and prosperity that the modern era has witnessed. For the last century, the preeminent launch pad has been the United States. Bush is President of the United States, not President of the World, nor yet water boy for the International Criminal Court. He understands his role better than Tom Daschle.

CULTURE WATCH

Immaterial Girl

Madonna, at age 42 older, but no wiser, embarked on her first tour in eight years. Tickets in Philadelphia and New York went for hundreds of dollars a pop, and that part of the world that pays attention to such things gaped at the spectacle.

It would be idle to pretend that Madonna has not had an impact on her time. What sort of an impact has it been? As she enters middle age, what are the lady's strengths and weaknesses?

The list of strengths is short. She can dance (she studied the techniques of Martha Graham). She has a knack for picking pop tunes with catchy hooks. Most important, she has a single-minded work ethic, amounting to a maniacal Nietzschean will to power. No copper baron ever cornered a market more zealously than she has pushed herself and her career.

Her weaknesses make a longer catalogue. She began with an annoying, tinny little voice, like the comic singing chipmunks of the Fifties; age has darkened it without making it interesting. She has no looks, which is no sin, but which

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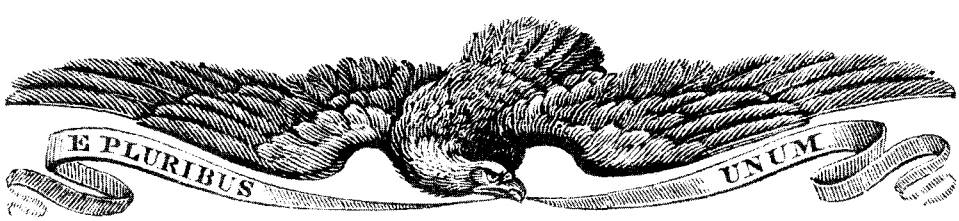

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should be a drawback in a pop star; the constant nudity and copulation have functioned as a compensation, rut substituting for allure. And then there is her blasphemous exploitation of her name: Madonna used the Virgin Mary as part of her act, a make-up change between waif and hooker.

Her worst failing is that she lies about sex. Her lie distorts a truth. The truth is that Eros is powerful, and can be all-consuming. Her lie is that it's okay to let it consume you. Bouncing from one fantasy to another, with the indestructibility of the Road Runner, she conveyed the impression that her fans could do likewise. After the movie stars, the basketball players, the lesbians, and even the Hispanic trainer, she got herself wed in a Scottish church and settled back on the cushion of her millions, an option that is open to few twelve-year-old girls.

Our only satisfaction comes from knowing that she is gone. The *New York Observer*, in an otherwise shrewd article, said that the success of her concerts has kept her away from New Year's Eve engagements at Caesar's in Las Vegas—the post-death limbo of former celebrities. But her life in Britain, her hubby, and her kilts, is her Las Vegas. She can still draw a crowd, but so can anyone in these days of reality entertainment and 24/7 yak. She is rich, but *Forbes* is full of lists of rich people. She came, she wrecked, she went.

■ NOTES & ASIDES ■

■ Dear Mr. Buckley: You are right that "begging the question" (Notes & Asides, June 11) involves a failure to answer it, but the full meaning is more specific. A begged question remains unanswered because in some fashion the answer is assumed in the way the question is posed or addressed.

Sincerely,
Alec Rawls
Palo Alto, Calif.

Dear Mr. Buckley: Tsk, tsk. I was very surprised that neither you nor your correspondent could come up with a definition of "begging the question." It refers to a rather common fallacy in reasoning, in which the reasoner uses unproven assumptions about the question itself in order to answer the question. Example goes as follows:

Question: Is Jesus God?

Answer: Yes, because the Bible says so, and we know that the Bible is true because Jesus, who is God, says that it is true.

This circuitous logic begs the question.

George W. Hostetler
Upland, Calif.

Dear Mr. Buckley: Like the author of the letter, I have seen the expression "begging the question" misused in various ways recently. It is actually a synonym for *petitio principii*, the fallacy of logic by which the point in question, that which is to be proven, is cited in proof of itself.

I have also been meaning to write about the reason for "pp." as the abbreviation for "pages," which was the subject of an inquiry in the April 2 issue. Like so many things, this comes to us from the Romans, who doubled the letter of an abbreviation, or the final letter of a full word, to indicate the plural in such contexts as coin inscriptions.

Sincerely,
Wayne Howard
Chicago, Ill.

Gentlemen: Thanks for the elucidations.

Cordially, WFB

■ Dear Mr. Buckley: Now let's get it straight right from the beginning: I ain't no literary genius comparable to those with whom you do battle in Notes & Asides. Heck, usually I don't know what the devil they're talking about, let alone know the references they make. But even dummies have at least one pet peeve that annoys them.

My particular pet peeve is a phrase used by just about everyone, perhaps even you, sir. Youse guys should know better. Listen, and you will hear it on TV, radio, during interviews, in conversations, or from some person just yakking. Is it possible that I am incorrect in my assessment?

Were I to say, ". . . the reason why is because I like to drink beer," isn't "reason why" redundant? Wouldn't it be more proper to have said, ". . . the reason is because . . ." or, more simply, ". . . the reason is I like to drink beer"? What say you?

Thank you,
John J. Milano
Hallandale Beach, Fla.

Dear Mr. Milano: The usage books go on and on about that one. Most of them counsel to use "the reason that . . ." But the famous line clings to the ear, "Theirs not to reason why, / Theirs but to do and die." The meaning in Tennyson is clearly intended as: Theirs not to *ask* why, but the ear isn't offended as it stands, indeed would be offended by the arrhythmic use of a single syllable.

Here is an excerpt from *Webster's Dictionary of English Usage*: "*Reason why* is denounced as a redundancy by *American Heritage* 1969, 1982, Shaw 1970, 1975, 1987, and *Prentice Hall* 1978; it is defended by Evans 1957 and Bernstein 1971. Bernstein, in fact, finds instances when the *why* is required, and says that even when it is not required, it is never unidiomatic or wrong. Most other commentators who mention it are tolerant. Their tolerance is well taken, for many usage writers themselves use *reason why*. We have examples from Lounsbury 1908, Fowler 1926, Gowers 1948, Evans 1957, Phythian 1979, Johnson 1982, and Howard 1984." They might have added "and Buckley 2001."

Cordially,

—WFB

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■ POLITICS ■

George Bush's House Training

The president is learning to work with his party in Congress

BYRON YORK

"I WOULD say Johnny is improving," says one senior Republican aide on Capitol Hill, a bit hopefully. "He's learning to work better with others."

"Johnny," in this case, is the president of the United States, and in the view of some congressional Republicans, he is finally—after a rocky start—beginning to figure out that he will have to try harder to keep conservative lawmakers happy if he is going to pass the legislation he wants. At least, there are some encouraging signs.

Among them, according to Hill Republicans, is a greater White House attentiveness to conservative concerns—it's far more common now for administration officials to ask GOP lawmakers what they think about issues, something that didn't happen as much a few months ago. The White House is also more likely to tell Republicans on the Hill about administration plans before they appear in the newspaper, another rarity in the past. And the president himself is showing a greater interest in the details of legislation, meeting with House leaders and, on July 31, going to the Capitol for his first visit with Senate Republicans.

Those are all good things, Republicans say, but they have a tougher time when asked for any concrete results from the newly solicitous White House attitude. "Hmm," says another conservative aide. A long pause. "I'm trying to think."

For those without an optimistic bent, there are still plenty of reasons to worry. Consider these examples, large and small, of recent White House missteps with its Republican allies in Congress. Last month, the administration floated the idea of legalizing the status of millions of illegal Mexican immigrants. It was big news, but it blindsided Republicans on the Hill; the White House hadn't thought to run it past them.

President Bush by Ismael Roldan

Whatever they felt about the idea itself, many in the GOP were angered by the administration's handling of the matter (although it wasn't as bad as when the White House ignored Congress and unilaterally set a date to end U.S. military bombing exercises on the Puerto Rican island of Vieques).

In another instance, there was a vote July 27 on an amendment, sponsored by House Democratic whip David Bonior, to force the administration to adopt the last-minute standards left by the Clinton administration concerning arsenic in drinking water. It's an issue that has bedeviled the Bush White House almost since Inauguration Day, and the vote had the potential to deliver the final blow to the president's plan to come up with his own arsenic standard. But the White House didn't mount any effort to win, and the amendment passed by the narrowest possible majority. Free from administration pressure, 19 Republicans voted with Bonior—and 20 GOP representatives didn't vote at all (some were headed home for the weekend when the voting took place at about two o'clock on a Friday afternoon). The story—another defeat for Bush—made dozens of front pages across the country the next day.

Then there was the president's energy plan, which the White House kept a secret from its friends on the Hill. "We begged them to tell us what was going on and they wouldn't," says the senior GOP aide. "We read about it in the newspaper." Then, when Vice President Dick Cheney unveiled the plan, members of Congress asked the obvious political questions: What's in it for me? What can I take back to my district and tell voters? The answer from the White House was . . . nothing, basically. Republicans had nightmares of being hammered by constituents during the August recess, with little to say to defend themselves. They're still having them.

And all that angst is on top of what remains the source of virtually all conservative unhappiness with the White House—the education bill. Remember when the president, desperately wanting to attract Democratic support for his schools proposal, bent over backward to make liberal Democratic representative George Miller happy? Well, it made a lot of Republicans very *un*happy. "For a couple of months, the view was that they were kissin' the Democrats' a** and kickin' ours," says the senior aide. "We didn't get screwed this badly by Bill Clinton." Conservatives believed, correctly, that the White House strategy was to win Democrats and moderate Republicans and then muscle conservatives into supporting the bill. It was a strategy guaranteed to produce resentment, and it did. Now, all that's left to do is try to fix some of the bill's worst excesses, most importantly its out-of-control spending, before it heads to the White House for the president's signature.

To many Republicans, the education experience proved that Bush's initial approach to working with the House—downplaying the Right and Left and going after the center—was fundamentally unworkable. The problem is that the president needs 218 votes to win, and there are not 218 centrists in the House of Representatives. If he starts off begging for Democratic support, he'll

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find himself under pressure to give up more and more. On the other hand, if he starts off on the right, he wins about 140 votes from the get-go, and can then begin the process of compromising to get the right-of-center and slightly right-of-center and really truly center votes. Then, when he gets to 218, he probably hasn't angered too many of his supporters in the process.

Put it all together—education, energy, arsenic, and the rest—and you have a lot of Republican complaining. Not surprisingly, the White House looks at things differently. "I can see what ticked off conservatives on the education thing," says one administration official involved in the battle. "Much of the deal had crystallized in Congress last year, so it started out on a more bipartisan footing. It was not going to make every conservative happy." On energy, he says, "There were legitimate issues on both sides. Congress wants to be notified immediately, and the administration wants to make sure that the president is the one to announce the initiative. The way you control that is to keep as tight a lid as you can." And on arsenic, the official does not defend the administration as much as grouse about the issue itself. "It's a lot of hooey," he says. "It sounds like we're killing people left and right." (Which is why, some Republicans would say, the White House needed to defend itself more vigorously.)

■

'The question is, Is there going to be someone who makes sure we all row at the same time?'

■

But there's a larger issue at work here, according to White House officials. There were bound to be rough spots in the relationship between the administration and its GOP allies in Congress because everyone, in one way or another, is new at his job. The Bush White House has been running for only six months, and most Republicans are in the novel position of serving with a GOP president. "There's a natural tension," the White House official explains. "Probably 60 percent of the Republicans in Congress have never worked with a president of their own party before." (He's right: 149 of the 221 Republicans in the House were elected for the first time in 1992 or after.)

And anyway, there *have* been bright spots. There was, lest anyone forget, a tax cut that was a major and surprising accomplishment by anyone's standard. And now, on a smaller scale, Bush is winning over some supporters with his handling of the faith-based initiative. Conservatives were pleasantly surprised when the White House worked with them to make changes in the bill.

Even with those hopeful signs, many Republicans are looking to the future with a sense of dread. During the August recess and the fall session, Democrats, emboldened by their success, will continue to press hard on the patients' bill of rights, the minimum wage, campaign finance, and a number of other issues that could result in a string of legislative defeats for the president. There are also ever-present worries about the economy, made worse by the Commerce Department's recent announcement that the economy grew at an annual rate of just 0.7 percent in the second quarter of this year. When you're up for reelection in 2002, as every member of the House of Representatives is, that's a very nervous number.

And then there is the president himself. Republicans have learned recently that Bush plans to devote a significant amount of time this fall to Dick Morris-style mini-issues intended to boost his own popularity and bypass Congress altogether. The message of that seems clear enough to conservatives: While they are fighting in the trenches of Capitol Hill, the president will be out on his own, talking about teaching citizenship in schools and making it easier for grandparents to send e-mails to their grandchildren.

So there's a note of strain in the voices of even the most optimistic Republicans. Yes, the fact that the White House is listening more is good news, but it's too early to say that things are really better. "Well, everyone is in the boat," says a GOP strategist. "Everyone has an oar. The question is, Is there going to be someone who makes sure we all row at the same time?" He pauses for a moment. "I don't know." **NR**

■ **TAXES** ■

Once More, with Feeling

Back to the drawing board on taxes

RAMESH PONNURU

An ominous phrase made its debut on July 25: "the Bush economy." Asked to assess the administration so far, Senate majority leader Tom Daschle replied, "I would say that the most troubling aspect of the Bush presidency is the Bush economy. The Bush economy is continuing to worsen, and that's troubling to me." Six months into Bush's term, Daschle was serving notice that the Democrats are going to hold him responsible for the economy. The senator's timing was opportune: The same week, it was reported that the second quarter of the year saw the slowest growth since 1993. The private sector actually shrank—for the first time since the 1990–91 recession.

Administration officials profess not to be worried. They're leaning on the blue-chip forecasters' consensus that the economy will recover to 3 percent growth next year. It's the same stand-pat, recovery-is-right-around-the-corner rhetoric that officials in the first Bush administration used ten years ago. As it happens, the stand-patters were right: The trough of the recession *had* already passed by the time people were trying to figure out what to do about it. The economy *did* recover by itself. But none of that mattered politically. Bush was perceived to be doing nothing about a lousy economy, and voters punished him for it in 1992. Will George W. Bush make the same mistake?

The timing of the recession—or slowdown, or whatever it is—gives him an advantage. There is plenty of time until 2004 not only for a recovery to begin, but for voters to feel it. But Republicans in the House, and many of them in the Senate, can't afford such a time frame. They're worried about how the economy

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will look in November 2002. In late July, two top administration officials trooped over to the Hill to reassure congressional Republicans. National Economic Council director Lawrence Lindsey and Council of Economic Advisers chairman Glenn Hubbard repeated the official line that next year would probably see 3 percent growth. Those in attendance left more worried than they had been when they came.

One reason for their nervousness is the nature of the tax-cut law Congress just passed. It was not primarily designed for its economic effects, and the primary argument Republicans made for it was not economic. It was that the surplus "belonged to the taxpayers." But they did make, and are still making, a half-hearted economic argument for it. It has to be half-hearted, because most of the tax cuts won't take effect for years and thus can't help the economy much now. The biggest near-term stimulus in the bill is the $300–$600 rebate taxpayers are now receiving. A rebate beats leaving the money around for Washington to create new programs with. But it does nothing to improve incentives to work, save, and invest. As Steve Forbes recently observed, Bush's tax cut will do less for the economy than the tax cut passed under Bill Clinton in 1997 (which cut capital-gains taxes).

Bush may yet come out with a pro-growth agenda. The economists in his administration are engaged in preliminary discussions about whether, and how, to push tax reforms next year. It's not economic sluggishness, or even the political fallout from it, that motivates them. What they want is a simpler, more rational tax code. In the course of seeking that goal, however, they may come up with an economic-stimulus package that proves politically helpful to Bush.

Several of Bush's appointees have had an interest in tax reform for years. Treasury secretary Paul O'Neill was a supporter of the comprehensive reform plan advanced by Sens. Pete Domenici and Sam Nunn. O'Neill has recently said that he thinks the corporate income tax should be abolished (his reasoning being that corporations simply pass their taxes on to shareholders, employees, and customers). A number of his deputies also have a history of supporting reform. The White House economists, too, are on board. Lindsey has occasionally mused in private that tax cuts should be followed by tax reform in a one-two punch. Hubbard recently spoke about the need for reform to the libertarian Cato Institute.

Grover Norquist, an antitax activist close to the administration, has been pressing it to propose a tax cut every year. "That way, every decision on spending has to compete with a tax cut." Rob Portman, a key ally of Bush in the House, is working on a simplification bill. Reformers hope that a recent report on the tax code's complexity by Congress's Joint Committee on Taxation will help their effort. (The report is 1,300 pages long, which is a tribute either to that complexity or to Washington's inability to address it.)

Everyone involved in the administration's deliberations on tax reform stresses their preliminary nature. "Nothing's off the table except for proposals that would increase taxes or increase tax rates," says one Treasury official. "We haven't even listed all the possibilities to anyone who has the power to take them off the table." The first question to be decided, he says, is whether to go for "incremental" reform or "fundamental" reform.

For a lot of conservatives, fundamental reform means throwing away the current tax code and replacing it with a flat tax or a national sales tax. It's hard to see Bush

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going with either of these ideas—and even harder to see him prevailing if he does. The populist appeal of getting rid of the current tax code is undeniable. But a legislative debate on a sweeping reform plan would necessarily focus on *its* flaws rather than those of the status quo. And these flaws have the potential to be considerable.

Members of both parties would insist that the new tax code raise as much money as the old one. Given that constraint, reformers would have two options. They could flatten taxes by raising them for many people and cutting them for others. George W. Bush had a tax-reform plan that did something like this when he was governor of Texas; it was one of his few initiatives that badly failed. Or reformers could insist that tax reform would be so good for the economy that revenues would stay at current levels without anyone's taxes being raised. A lot of the would-be reformers around Bush believe that the official budget estimates should be changed to take account of that possibility. But that's not going to happen; there is not enough will in Congress to do it.

The administration may also have its hands full next year with a major free-market reform of Social Security. That's going to be hard enough without also rewriting the tax code.

These problems and others have led reformers slowly, and with great reluctance, to adopt an incrementalist strategy—one that moves individual features of the tax code closer to their ideal one or two at a time. Several such steps are being discussed by reformers inside and outside the administration. The current code doesn't let businesses deduct the costs of their investments the year they incur them, but only over several years. Business lobbies are keen on getting faster write-offs. A second idea is to simplify and reduce taxes on capital gains. A third is to move closer to a consumption tax by letting people save more money in tax shelters such as IRAs.

As a package of reforms to simplify the tax code, this is not a very impressive list. It would, to be sure, move in the direction of a simpler code. The tax code's treatment of saving and investment is a major contributor to its complexity. But the code would still remain mind-numbingly complicated. If the administration sells these ideas as an attempt to simplify the code, it is likely to get an underwhelming response. Most taxpayers, after all, don't care about business deductions.

It might make more sense to advance these ideas with the argument that they would be good for the economy—which has the advantage of being true. Congress would, of course, reshape any Bush tax-cut proposal. Bush's economists are interested in Pennsylvania congressman Phil English's bill to accelerate business deductions, for example, but it would probably be considered too expensive. Under the current budget conventions, it's been estimated to reduce revenues by $300 billion over ten years. On the other hand, Bush might be able to pick up Democratic support by coupling his tax ideas with a reform of the "alternative minimum tax," which the Democrats are eager to cut because it's increasingly hurting their constituents.

Win or lose, Republicans would have an answer to the question, What are you doing about the lousy economy? Bush has heretofore not shown much interest in economic policy; he has been more interested in combating the country's social and moral ills. For most of the last two years, that focus arguably made political sense. It makes less sense with each month of bad economic news. At least that's what Tom Daschle seems to think. **NR**

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■ **IMMIGRATION** ■

The Vex of Mex

Why Bush's amnesty proposal will backfire

JOHN O'SULLIVAN

PRESIDENT BUSH'S proposal to grant an amnesty to illegal Mexican immigrants—that is to say, Mexican president Vicente Fox's proposal that Bush should grant such an amnesty—is, to date, almost the only policy embraced by the Bush administration that has won enthusiastic bipartisan support. The *New York Times*, the *Wall Street Journal* editorial page, Democratic Senate majority leader Tom Daschle, the AFL-CIO, the Business Roundtable, maverick Catholic columnist Andrew Sullivan, the (only slightly less maverick) Catholic bishops, and the pipes and drums of the Texaco oil company all sing the wisdom and generosity of the still-developing policy. It is rare for any proposal, let alone one advanced by a Republican, to be greeted with such general applause. This arouses the inevitable suspicion that somebody is being fooled. Instead of the audience, however, it may be the man who has just pulled the fox out of the hat.

Examine the Bush proposal, as it seems to be emerging in discussions with the Mexican government and Capitol Hill. It would legalize the status of an estimated 3 million illegal Mexican immigrants, allowing them to remain in the U.S. for several years as temporary guest-workers. A few high-skilled workers would be able to gain permanent residency and, thereafter, citizenship. (There is a sizeable backlog of applications.) The rest would return to Mexico.

Merely to describe this program is to reveal that it is fantasy. Even if it were to become law in this exact form, it provides no reason to think that a single one of these guest-workers would ever return to Mexico. Some would marry

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Americans; some would have American children; both groups would then be able to stay indefinitely. And those who lacked the enterprise to manage either would quietly fade back into the illegal population from which the amnesty had briefly rescued them. They would then wait patiently for the next "last" amnesty—which they could confidently expect on the basis both of their own experience and of the arguments of those who favor an amnesty because the alternative of a "Gestapo-like" mass deportation is unthinkable.

Unfortunately, the amnesty is unlikely to pass in this modest form. Its support is concentrated in two main groups: economic conservatives, such as the *Wall Street Journal* editorialists, and Big Business. *WSJ* conservatives support it because they believe that guest-workers will significantly benefit the U.S. economy. A mountain of data, however, suggests otherwise: As Steven Camarota has demonstrated in his recent analysis for the Center for Immigration Studies, "Immigration from Mexico: Assessing the Impact on the United States," unskilled immigration does not generate significant economic benefits for Americans as a whole, but it does impose heavy costs on some. In particular, it creates large fiscal costs (an estimated $55,200 per adult immigrant over his lifetime) for taxpayers, and makes the poor poorer. Thus, Mexican immigration in the 1990s, by increasing the supply of unskilled labor, lowered the wages of American workers without a high-school education by something like 5 percent.

Hence, of course, the support of Big Business. A guest-worker program, like the H-1B visa program, would give it a relatively tame workforce with a short time horizon, few other options of employment, and little incentive to unionize.

For exactly the same reasons, this restricted amnesty is firmly opposed by unions, Democrats, the Catholic Church, and the Mexican government. While such groups might accept the limited transformation of illegals into guest-workers as a first step, they all insist that these guest-workers should be eligible in a relatively short time for such rights as job mobility, U.S. residency, citizenship, and the vote. Nor do they accept that these benefits should be confined to the 3 million Mexican illegals. With the notable exceptions of the Mexican government and the *New York Times* (which argued with an almost nativist robustness that discrimination in favor of Mexicans was perfectly acceptable, since earlier immigration policies had also been discriminatory), these groups demand that the amnesty be extended to *all* the estimated 8 million illegal immigrants now in the U.S. or arriving shortly. "All legal rights for all illegals" is the cry, as La Raza, MALDEF, the National Asian Pacific Legal Consortium, etc., rally to the cause.

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Conservatives in waiting?

These pressures are likely to prevail—thereby expanding the amnesty to bestow more rights on more people. It is a simple matter of incentives. If President Bush is to gain the credit he originally sought with his amnesty proposal, he must yield to those who have an interest in making it more generous. Big Business will not resist, because the taxpayer will pick up the tab for the larger social costs of its cheap labor. And everyone else has a self-interested motive in greater generosity: Unions see these millions of illegal immigrants as new members, the Catholic Church as new parishioners, the Mexican government as new dual citizens (and thus a source of pressure on Washington), MALDEF and La Raza as new captive constituents, and the Democrats as new Democratic voters.

That last point may surprise those who have read that Bush initiated the guest-worker proposal in order to win a larger share of the Hispanic vote. GOP strategists have apparently concluded that a 40 percent share would put their party ahead among the overall public. But on this occasion, it is the Democrats who have calculated more accurately. As UPI national correspondent Steve Sailer has pointed out, both the Mexican and larger Hispanic votes are very small as percentages of the total popular vote—3 and 5.4 percent respectively. And very few Mexican-Americans live in the twelve highly marginal states that decided the close 2000 election; they accounted for only 0.8 percent of the votes in those states. From a cold-blooded electoral standpoint, it would make more sense to seek more votes from non-Hispanic whites, who made up 80.7 percent of the electorate in 2000. The Republican share of the white vote is far below the Democratic share of almost every minority vote—and going down. Yet a small percentage rise in the GOP share of non-Hispanic whites would harvest many more votes across the entire country than a (highly unlikely) doubling of Hispanic Republican votes. So the concentration on the Hispanic vote is disproportionate to its size.

Even if that were not so, this GOP strategy would still be misdirected. The Bush argument is that crafting a looser and more generous immigration policy will win more votes for Republicans from Mexicans and Hispanics. That is questionable on two counts. The Hispanic vote is largely Democratic: According to a very recent poll conducted for the Hispanic Business Roundtable and the Latino Coalition, 51 percent of Hispanics support the Democrats, and 17 percent the GOP. This division is caused by economics. Hispanic immigrants, in particular Mexicans, tend to be poor and ill-educated—almost two-thirds of Mexican immigrants have not completed high school (compared to 10 percent of Americans). Such voters tend to see their interests as protected by labor unions, the welfare state, and the Democrats. They are unlikely to vote Republican because of an immigration policy that, as we have seen, the Democrats can easily trump (unless, of

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Egypt is one of only two countries (the other is Jordan) with which Israel has formal peace agreements. Egypt is the largest and most important country in the Arab world. Its influence and support in bringing the current upheaval of the Palestinians to an end would be of greatest value. But does Egypt play any role at all as peacekeeper? And is the peace with Egypt an encouraging example for Israel as to what to expect in any possible peace with the Palestinians?

What are the facts?

Peace with Egypt is the coldest possible. For its agreement to make true peace with Israel, Egypt received the huge Sinai Peninsula in which Israel had invested over $10 billion. It had created flourishing cities, some of the most advanced military and naval installations in the world, and had developed oil fields that would have made it energy independent for the foreseeable future. Without firing a shot, Egypt received all of this, plus generous grants from the United States -- over $50 billion to date. What Egypt gave in return was a piece of paper. And even that was hedged. It would allow Egypt to join in an "Arab War" against Israel. The peace between Israel and Egypt, which the Israelis had envisioned to be like the peace between Germany and France, turned out, unfortunately, to be the "coldest peace" possible. It is less of a peace than a de facto state of non-belligerence. The Israeli ambassador in Cairo is totally isolated and blacklisted and does not participate in any official functions of the Egyptian government. There is practically no trade between the two countries and no cultural exchange. The public sector of Egypt, which constitutes 80% of the total economy, is forbidden to do business with Israel. Private enterprises are actively discouraged and often threatened when they try to become engaged with Israeli firms in any way. Israeli firms are barred from submitting tenders for local projects for "security reasons" and they are not allowed to participate in trade fairs. Although quite a few Israelis visit Egypt, hardly any Egyptians go to Israel, since those who do wish to visit are summoned to the security police for severe harassment and lengthy interrogation.

> "Israel's government must be commended for proceeding with the greatest caution in its dealings with the Arabs, and especially in any possible peace negotiations with the Palestinians."

Not forthcoming on diplomatic front. More Israelis have been killed in Egypt or on the Egyptian border than even on the Syrian border. Egyptian media, including the official press, are full of anti-Israel and anti-Jewish venom, preaching hatred and prejudice. There have been numerous instances of "crazed" Egyptian soldiers shooting up Israeli buses traveling along the border highways, to the general applause of the media. In one especially gruesome instance, an Egyptian police officer machine-gunned seven Israeli tourists, who had inadvertently ventured into Egyptian territory; his colleagues stood around preventing medical help from reaching the victims, all of whom bled to death. Among the seven were four children. The media hailed the killer as a national hero.

On the diplomatic front, the Egyptians aren't any more forthcoming. Egypt spearheaded the campaign to keep the "Zionism is racism" resolution alive in the U.N. When it was finally repealed, Egypt walked out. Egypt also exerted and still exerts much effort to prevent African countries from establishing or renewing diplomatic relations with Israel. Egyptian diplomats, including Butros-Butros Ghali, former secretary general of the United Nations, lobbied fervently against the loan guarantees that Israel needed in order to absorb and settle the hundreds of thousands of Jewish refugees, who had already arrived and are still arriving, from the former Soviet Union. Hosni Mubarak, who has been president of Egypt since 1981, has not once deigned to set foot in Jerusalem, nor has he made any other friendly gesture towards Israel in those twenty years.

Egypt is armed to the teeth with the most advanced weapons in the world -- most of which (sad to say) have been provided by the United States. Egypt is not being threatened by any of its neighbors -- and that includes Israel, whose fervent desire is to live in peace with the Arab world. The enormous accumulation of weaponry by Egypt is for one purpose only -- namely to be able to strike at Israel when the occasion is deemed to be propitious. The only saving grace is that, contrary to the situation on Israel's northern and eastern fronts, the vast Sinai, which serves as a buffer zone, is provided with early warning systems and Israel is therefore not subject to surprise attack. But if the peace with Egypt is any example of what could be expected from a peace with the Palestinians (if such a thing could ever be brought about), it is certainly most discouraging. Peace can come to the area only if and when Egypt and the other Arab countries truly accept Israel as part of the Middle East. Israel's government must be commended for proceeding with the greatest caution in its dealings with the Arabs, and especially in any possible peace negotiations with the Palestinians.

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course, the GOP intends to move leftward on every other policy as well as on immigration).

Suppose, however, that there were a modest increase in the GOP share of the Hispanic vote. This, too, would be canceled out by the other result of the policy—an increase in the total Hispanic vote as a result of higher immigration. To gain a growing share of a growing vote may sound wonderful; but it can—and here certainly would—result in a net loss of votes. Consider: If the GOP raises its 35 percent of 2 million Hispanic votes to 40 percent of 3 million, then its net vote loss remains stable at 600,000. If the Hispanic vote rises to 4 million, however, the GOP loses a net 800,000 votes. The higher immigration rises thereafter, the worse for the GOP—unless it can win an actual majority of Hispanic votes, and of that there is no sign. This hypothetical calculation, moreover, seriously understates the real position, since recent Hispanic arrivals tend to be poorer, and therefore disproportionately more Democratic than either Hispanic-Americans or immigrants of long standing.

Some conservatives—even the hardheaded Thomas Wood of Americans Against Discrimination and Preferences—comfort themselves with the thought that Hispanics are "conservative" on values and will therefore swing to the GOP over time. And as the poll quoted above shows, Hispanic voters do express socially and morally conservative opinions on vouchers and similar issues. But so do black Americans, even as they vote 92–8 percent for the Democrats. The awkward fact is that, in a racialized political atmosphere, ethnic loyalty counts for more than moral or ideological sympathy. And high levels of immigration—along with such policies as bilingual education and multicultural history teaching—promote such an atmosphere.

In short, any version of an amnesty for illegal immigrants will be politically damaging to the GOP. Yet Republicans will embrace it like a drowning man clutching an anvil. Nor is there any point in remonstrating. As Whittaker Chambers wrote to Ralph de Toledano about an earlier symptom of the same pathology: "You cannot save something that cannot save itself." **NR**

■ **CULTURE WATCH** ■

Silence of the Frankenfoodies

They care about turnips, not people

JONAH GOLDBERG

"THIS warfare against nature must end once and for all," Michael Fox declared at a rally. "We are very clever little simians, aren't we? Manipulating the bases of life and thinking we're little gods." Fox—not the actor, but the senior scholar for bioethics at the Humane Society—later told a newspaper that genetic research violates "the sanctity of life and may be regarded as an act of violence."

Alas, Michael Fox wasn't referring to embryonic-stem-cell research and the sanctity of *human* life. Rather, he was referring to the far greater holiness of the turnip. Indeed, Fox and his compatriots in the various anti-biotech, anti-"Frankenfood," and anti-globalization movements have been completely silent during all of the furor over embryonic-stem-cell research. Odder still, the media seem not to have noticed.

Imagine if, in the last two years, pro-life groups had smashed, burned, or otherwise destroyed about 50 labs and facilities involved in research on embryonic stem cells. Al Hunt would have cartoon smoke coming out of his ears. On the Senate floor, Hillary Clinton would demand to know why George W. Bush hadn't yet federalized the National Guard. Kate Michelman's head would be spinning a complete 360 degrees.

Well, in recent years various fringe—and not-so-fringe—groups have been doing exactly that, but against biotech facilities. While Greenpeace activists merely shut down supermarkets and coffeehouse chains for selling "biohazard" food products, other groups take nastier action. With names like "Seeds of Resistance" and the "Bolt Weevils," these cadres go around burning university labs and chopping down research crops. In Britain, even clothing stores offering apparel made from enhanced cotton are being threatened with violence. So far, of the mainstream environmental groups, only Environmental Defense has gone out of its way to denounce these violent radicals.

After destroying a corn crop—setting back years of research—Seeds of Resistance boasted that they'd sent "a message to those who seek to benefit from the risky endeavor of genetically engineering the food supply." The Bolt Weevils recently declared that "crops, research facilities, and corporate offices are all sources of this technological threat and should be targeted." In a typical untraceable e-mail "communiqué," one outlaw pro-carrot group announced: "All of a sudden 'venture capitalist' scum realize that biotechnology is not such a great investment and they flee with their bags of cash with them. . . . Our view is that if corporations, governments, and universities have any relationship to biotechnology, they are targets."

Unless, that is, the biotechnology is directed at tampering with human beings; then, these groups are silent. It appears that extremism in defense of potatoes is no vice, but extremism in defense of human beings is no virtue. Why? There are several answers. When pressed, the anti-Frankenfood crowd says that biotech for human beings and biotech for apples and oranges are, well, a case of apples and oranges. With food, the technology in question transplants genes from one species to another in order to grow a better cauliflower. With human beings, the technology in question—stem-cell manipulation—involves destroying a human embryo in the hope of being able to grow a better spleen or liver, albeit *without* the aid of genes from another species.

Such subtlety of distinction is, however, almost entirely missing in the rhetoric of the opponents of genetically modified food; their language is typically laced with more religious and spiritual hyperbole than that of many pro-lifers. They insist that we must, e.g., "protect the fabric of life," "stop playing God," "preserve the natural order," and so on.

But there are two much more fundamental reasons for the conspicuous silence of the anti-biotech Left on stem-cell research, the most publicly debated

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scientific ethical question in a generation. The first, quite simply, is that, increasingly, the Greens don't like people. You can't be accused of tampering with the "sanctity" of human life when human beings are anything but sanctified. At the same rally where Michael Fox declared his concern for "preserving the sanctity of life," he also pronounced that "the only acceptable application of genetic engineering is to develop a genetically engineered form of birth control for our own species."

The Green movement is rife with anti-human ideology. A mainstream school textbook reflects this bias: "As human activity interferes with the earth's capacity to maintain a maximum range of tolerances for life, history traces the roots of degrading activity to: the advent of agriculture and the rise of civilization; the Judeo-Christian view of human beings as having domination over the earth; the industrial and scientific revolutions; and the rise of capitalism."

Indeed, the only species the enviros would like to see endangered is ours. A writer for *Wild Earth* magazine summed it up nicely. "Voluntary human extinction," he wrote, "will solve every problem on Earth, social and environmental." The founder of the "Voluntary Human Extinction Movement" told *The Economist*, "I realized that the best thing for the planet would be for us to phase ourselves out completely." The *San Francisco Chronicle* recently reported on the growing trend among young men in the environmentalist movement to have vasectomies before they have any children. Bill McKibben, the noted environmental writer, wrote an entire book—*Maybe One: A Case for Smaller Families*—describing in icky detail the rationale for and processes of getting fixed. McKibben particularly dislikes human *Americans*. "My daughter, 4 at this writing, has already used more stuff, added more waste to the environment, than most of the world's residents in a lifetime," he writes.

To get a sense of the uncritical treatment such extremism gets from the mainstream liberal media, consider that when McKibben was interviewed on *Good Morning America*, the interviewer, Lisa McRee, asked: "China has a one-child policy. Is that a good idea for all countries?"

Which brings us to the second reason the anti-biotech Left hasn't made any noise about stem cells: Nobody has asked them about it. Put a pro-life Republican in front of a camera and you can be assured Katie Couric will grill him like a barbecue dinner about abortion "hypocrisies" and "splits" in the conservative movement. But the media—generally sympathetic to anti-Frankenfoods efforts—simply aren't interested in the Left's inconsistencies on the life issues.

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The only species the enviros would like to see endangered is ours.

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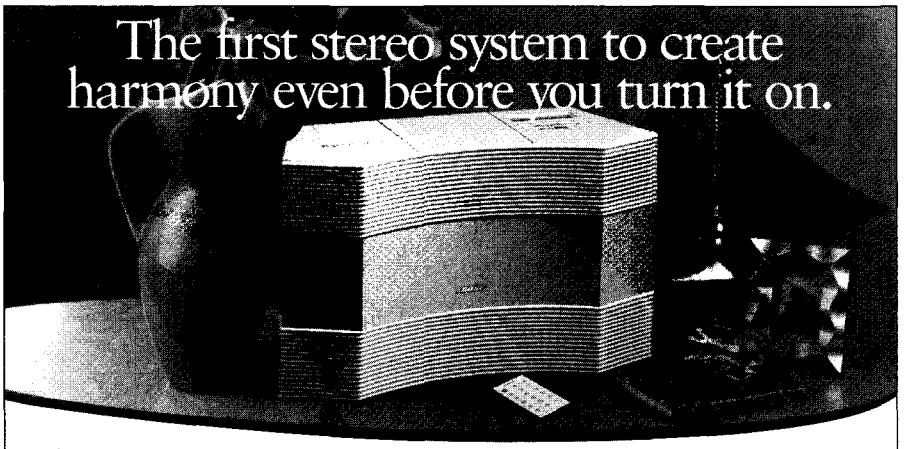
For decades the *New York Times* and others have accused the GOP of an intolerant, "small tent" ideology on abortion—and paid a great deal of attention to talking-head protesters like Ann Stone of Republicans for Comfortable Conversations with Suburban Liberals, also known as Republicans for Choice. But on the issue of embryonic-stem-cell research, there's actually remarkable debate within the GOP and the pro-life community. Pro-lifers such as Orrin Hatch, Connie Mack, and Bill Frist, for example, are in favor of limited research on embryos. Meanwhile, the media and the Left persist in their combination of myopia and internal censorship when it comes to the Left's own deviations and inconsistencies. No one expects the monolithically pro-choice press to be transformed, overnight, into warriors for the unborn; but one might at least expect them to worry about neck pains, from keeping their gaze of vigilance fixed eternally in a single—rightward—direction.

The public needs to be reminded that when Mary Shelley wrote her famous novel, Frankenstein's monster was not a seven-foot-tall grapefruit; he was an unnaturally born human being. If her novel were rewritten today in accordance with the canons of Green paranoia, the mob would let the Monster run amok, while they stomped his genetically enhanced endive salad to a fine mush. **NR**



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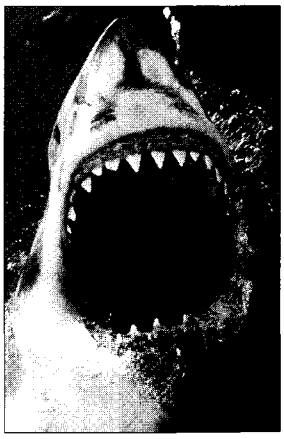
Cash Bar

How trial lawyers bankroll the Democratic party

KATE O'BEIRNE

THE Democratic party has come full circle on tobacco. In 1988, Al Gore boasted that he had "raised tobacco": "I've hoed it. I've dug in it. I've chopped it, I've shredded it, spiked it" and so on. Then he waged a ferocious anti-tobacco campaign. Now, Democrats once again view tobacco as a lucrative cash crop as trial lawyers begin investing their fees from the 1998 tobacco settlement in political campaigns.

Those legal fees are estimated at between $3 and $5 billion per year for the next 25 years. While the fees the tobacco companies will have to pay are still in arbitration in over 40 states, three years ago lawyers representing just three states—Texas, Mississippi, and Florida—were awarded $8.2 billion. These lawyers can be counted on to invest their newfound wealth in the industry that made them rich: the out-of-control system of tort litigation that underwrites, and is protected by, the Democratic party.



An estimated 50 cents of every dollar awarded to tort plaintiffs gets eaten up by lawyers and courts—and a great deal of that money ends up benefiting Democratic candidates. Over the last decade, the legal profession has led all other groups in campaign contributions—giving a total of $357 million to federal candidates—and 70 percent of its cash goes to Democrats. The 56,000-member Association of Trial Lawyers of America (ATLA) was the top PAC contributor to Democratic federal candidates in the last election cycle; the organization spent $2.6 million, 86 percent of which went to Democrats.

Individual attorneys account for the largest portion of trial lawyers' donations—and through their unlimited soft-money contributions, they influence the Democrats to such an extent that even the liberal media are forced to take notice. In a recent discussion about Democratic support for permitting lawsuits against HMOs, NBC's Tim Russert pointed out that trial lawyers had contributed $14.5 million in soft money to Democrats last year. Trial lawyers are also the chief reason Senate Democrats—even when they were in the minority—outraised Republicans in soft money.

The tobacco deal—the largest civil settlement in history—has created overnight billionaires, with plenty of ready money to invest in politics. As the Manhattan Institute's Walter Olson says, "The tobacco settlements have created a class of lawyers richer than any lawyers have dreamed of being in the history of the world. They really have become an institutional ATM for the Democratic party." According to the American Tort Reform Foundation, tobacco-settlement lawyers alone gave over $4 million to federal candidates in 2000. (The Center for Responsive Politics reports that the auto manufacturers gave only $1.2 million.)

In 1998, five Texas lawyers were awarded $3.3 billion for negotiating the state's $17.3 billion tobacco settlement; every three months, each of the five receives a check for $25 million. In 1998, the "Tobacco Five" accounted for the lion's share of the plaintiffs' lawyers' contributions that, in turn, made up 78 percent of *all* donations to the Texas Democratic party. In the 2000 cycle, money from the Tobacco Five represented 40 percent of the $4.8 million raised by the state's Democrats. (By way of comparison, the Texas GOP raised only $2.7 million in the same cycle.) The Tobacco Five also donated $2.5 million in soft money to national Democrats.

When arbitration panels in state after state make their final awards of legal fees in the tobacco suit, other states can expect their own new billionaires to wield similar political clout. And the record shows that these trial lawyers are savvy investors. Tobacco Five member Walter Umphrey, a longtime Democratic donor, received unwelcome attention during investigations of President Clinton's fund-raising operations. The call sheet for DNC chairman Don Fowler to solicit Umphrey in 1995 read, "Sorry you missed the vice president: I know [you] will give $100K when the President vetoes tort reform, but we really need it now. Please send ASAP if possible." Clinton vetoed tort reform in the spring of 1996. Following the veto, Sen. Joseph Lieberman—a supporter of tort reform—accurately characterized trial lawyers as "a small group of people who are deeply invested in the status quo, who have worked the system very effectively and have had a disproportionate effect."

SOUTHERN DISCOMFORT

That disproportionate effect has certainly been felt by the court system in Alabama. The state passed tort reform in 1987, but the following year a former president of the Alabama Trial Lawyers Association was elected chief justice of the Alabama supreme court, which proceeded to dismantle the legislative reforms. Two years ago, the legislature passed tort reform again, but reformers view controlling the courts as key to preserving the reforms.

In Mississippi, millions are spent on judicial campaigns as trial lawyers fight to maintain another court system with a national

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reputation for judges and juries hostile to corporate defendants. Last November, candidates for the state supreme court spent $3.2 million on their campaigns, with additional resources poured in by outside groups. Mississippi's judges and juries have become a gold mine for plaintiffs' lawyers. Until 1995, when prohibitions on lawyers' advertising were lifted, no punitive-damage award in the state had been greater than $9 million. Since then, there have been at least six verdicts greater than $100 million. With Texas and Alabama now limiting punitive damages, lawyers are migrating to Mississippi, where procedural rules grant judges enormous discretion to create classes of plaintiffs and defendants from out of state. It is not likely that tort reform will spread to Mississippi, where trial lawyers chair both house and senate judiciary committees.

In Jefferson County, Miss., where only half of the jury pool has graduated from high school, local pundits have called the courthouse "the center for the redistribution of wealth." Last year, plaintiffs (most of them in huge class-action cases) suing in this rural county outnumbered its 9,750 residents. In 1999, 178 lawsuits were filed there; in 2000, another 629 were filed. When five plaintiffs won a jury verdict of $150 million in compensatory damages against the makers of the diet drug fen-phen, the manufacturer settled the case—for those five and 800 others, including 500 from out of state—for $400 million. The national implications of Mississippi's long-arm jurisdiction over defendants and extravagant verdicts for plaintiffs are clear. A New Jersey corporation is currently defending asbestos litigation in Mississippi against 403 plaintiffs, half of whom are from Texas. Another asbestos case, settled two years ago, indicates that Mississippi plaintiffs are favored by the locals: Each of the 246 Mississippi plaintiffs received $263,000, while the 2,645 plaintiffs from Ohio, Pennsylvania, and Indiana, with equal injuries, were each awarded $14,000.

The billions of dollars in fees from the national tobacco settlement might well be matched in further tobacco litigation, in which lawyers can be expected to enjoy their customary 25 percent of any recovery. In Jefferson County alone, an asbestos/tobacco case seeking $10.2 billion in damages is pending, along with a $5 billion case claiming that tobacco companies' advertising targeted blacks.

Florida is home to a landmark class-action case on behalf of somewhere between 300,000 and 700,000 smokers, seeking $145 billion. In the state's previous tobacco class action, the plaintiffs' lawyer was first in the class when it came to compensation. In that litigation, the plaintiffs themselves—flight attendants complaining about smoke-filled airplane cabins—received nothing from the $349 million settlement. Their two lawyers received $49 million, and the balance of the award was earmarked for research on secondhand smoke.

The conceit of trial lawyers is that they are fighting Goliaths in order to win verdicts to compensate the little guy, but their clients frequently share only the crumbs from their attorneys' bountiful tables. In one case involving faulty pipes, the lawyers for Alabama's plaintiffs were awarded $38 million, and those for Tennessee's plaintiffs got $45 million; all the homeowners got was an 8 percent rebate toward the purchase of new pipes. When a cellular-service provider settled a dispute over billing practices, class members were entitled to $15 vouchers, while their attorneys got $1.25 million. A recent Colorado case over long waits for phone service resulted in a settlement providing an average of $60 for each class member—and $7.2 million for their counsel. In the 1994 settlement of the Bank of Boston case involving escrow accounts, attorneys' fees actually imposed a net *cost* on plaintiffs: The lawyers received $8.5 million, and each aggrieved customer's account was debited by $90 to pay the legal fees.

THE VICIOUS CIRCLE

So where does all this money go? Right back into the system that created it. Peter Angelos, Maryland's preeminent plaintiffs' attorney, who is suing for 25 percent of the state's $4.4 billion share of the tobacco settlement, has filed suits in four states against the wireless industry, alleging that it failed to protect consumers against possible radiation hazards. (Angelos contributed nearly $1 million to national Democratic candidates in 2000.) Mississippi's Richard Scruggs, whose firm was awarded $1 billion under the tobacco settlement, has filed suits against manufacturers of Ritalin. In June, the *Los Angeles Times* reported that many lawyer veterans of the tobacco wars are again hooking up with state attorneys general, this time to take on the pharmaceutical industry for allegedly blocking access to cheaper generic drugs.

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Clients frequently share only the crumbs from their attorneys' bountiful tables.

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The trial attorneys are crucial donors for Democratic candidates, but a growing number are themselves becoming formidable self-financed candidates for political office. In 1998, John Edwards of North Carolina beat an incumbent GOP senator, and was the conquering hero at ATLA's convention in Montreal in July, where he explained that he wears his years as a trial attorney as a "badge of honor." Edwards is a chief sponsor of HMO reform and was recently appointed to the Senate Judiciary Committee. ATLA's outgoing president proclaimed, "To say he's the right person at the right place at the right time is one of the greatest understatements I'll ever make." Two other wealthy trial lawyers in Alabama and Oklahoma have declared their intention to seek Democratic nominations for Senate runs next year.

In Florida, W. C. Gentry—a tobacco lawyer and major donor to the Democratic party—is running for the *Republican* nomination for state senate. His flexibility doesn't surprise his critics, one of whom—Jon Shebel, president and CEO of Associated Industries of Florida—points out: "Trial lawyers will say anything, do anything, be anything to win." In Florida, Republicans are firmly in control of the legislature, so it's easier to win if you run as a Republican. On the day he announced his candidacy in the special election, Gentry committed $250,000 to his TV campaign.

In recent weeks, legislation to reform the class-action system has been introduced, and Senate GOP leaders are talking about proposing a "clients' bill of rights" to limit the amount lawyers can recover in fees. Without fundamental reform, the tort system will remain a lawyers' game of "Who Wants to Be a Billionaire?" at the expense of injured clients—and Republican candidates. **NR**

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Welcome to 'Tort Hell'

West Virginia, that is. A 'doctors crisis'

JAY NORDLINGER

THE state of West Virginia, no stranger to problems, has a severe one on its hands now: a "doctors crisis." That's what many are calling it, and with good reason. West Virginia is losing doctors every day; communities are going without care; no doctors are coming in—it is almost impossible to recruit. The problem is the legal atmosphere: The state has earned the designation "Tort Hell," or, if you are a plaintiff's attorney, "Tort Heaven." In probably no other state is it as hard to be a doctor, or to remain one. Doctors are becoming desperate; the public, slowly—and in some areas, not so slowly—is waking up. The need for reform is crying. Of course, this need is felt all across the country; but nowhere is it felt more acutely than in West Virginia.

What makes things so tough? First, medical-malpractice insurance—or, as doctors prefer to call it, "liability insurance"—is through the roof. Many doctors simply can't afford it, or, even if they could, can't get it. Then, the state slaps a "provider tax" on all doctors, in the amount of 2 percent of gross income; this is a tax merely for being a doctor, imposed on no other citizen; only one other state in the nation does this (Minnesota). Then, West Virginia—or, more accurately, West Virginians—are wildly litigious. They have long been happy to stick it to doctors. Lawyers, naturally, thrive in such an environment. Some of them even advertise as follows: "If you have had such-and-such a procedure, come see me: There could be some money in it." These ads don't suggest that something went wrong during that procedure, that the doctor was negligent in any way; the mere fact that the procedure has taken place is enough to put dollar signs in eyes.

Not often do doctors become political activists—the placard-bearing, slogan-shouting, fist-shaking kind—but, as their insurance rates shot up and their practices were endangered, West Virginia doctors, as a class, got moving. Back in February, they staged what they called "White Coat Day." This was a Day of Rage/Day of Lobbying in which they swarmed the state capital, Charleston, and let the government know of their situation. Hundreds of doctors harangued legislators and warned the public: You may not like us—you may think we're a bunch of fat cats—but if things keep up, you'll have no one to take care of you. In one tense session, a doctor cried out, "Tax the trial lawyers!" Soon after, a radio message was aired: "Got a cold? See a lawyer."

Everyone has a horror story to tell; the dismay—sometimes panic—in doctors' voices is real, unfeigned. People are having to leave, retire early, or cease performing "high-risk" procedures, or even medium-risk ones: A doctor may stop delivering babies, or pulling tonsils. The Ohio Valley—which includes Wheeling—is now without neurosurgeons; they've all gone away, fed up. Says Evan Jenkins, executive director of the state medical association, "If your child falls off the bleachers [in the Valley], you better hope the ambulance has a lot of gas in it, because you'll have to go to Pittsburgh or Morgantown." This is dramatic language, but the doctors feel it's necessary to sound the alarm. In the Beckley area—rural and poor—pregnant women are in a bind: The obstetricians have had to quit, because their liability insurance has become unaffordable, or unavailable. And Huntington—the second-largest city in the state—is fast being depleted of its top doctors, particularly its specialists.

One of those is Jane Kurucz, a general surgeon who specializes in breast diseases. Hers is a typical case, but with an unusual twist: On Sunday afternoon, July 29, a rally was staged in support of her, in a downtown park. The event was organized by a patient, unhappy at losing her doctor, and, more than unhappy, angry. Dr. Kurucz has been practicing for 13 years. In that time, she has had one lawsuit against her (amazingly low for West Virginia), now pending. On May 1, she received a letter informing her that her insurance would not be renewed. In 1999, that insurance cost $40,000; the next year, it went up to $60,000; now it would cost $80,000, if she could get it—and that would be for only six months, because the insurance company figures it will have to raise the rate after that. The doctor has been unable to buy insurance from any other company; insurers, quite naturally, avoid West Virginia with shudders. Jane Kurucz had to close up shop on August 1.

She has options, however, the best of which is to move 20 miles to the west into Kentucky. There, she could double her salary; would pay about a third of the West Virginia rate for insurance; and would be free of that 2 percent provider tax. To top it off, many of her patients would be able to follow her.

So, this particular doctor will land pretty happily—but she is far from ecstatic. Her story goes to the heart of the West Virginia doctors crisis. Dr. Kurucz is a native of the state, as is her husband, also a doctor (they practice together). The two of them wanted to make their lives at home. They could have stayed in New Orleans, where they trained, and where the husband was on the faculty at Tulane; they would have earned significantly more money. But they wanted their children to be near their grandparents, and they felt a loyalty to their state, as many West Virginians, even those forced to go elsewhere (maybe especially them), do. Dr. Kurucz is not interested in riches. "I was comfortable making what I was making [in Huntington]," she says. "I would never have looked elsewhere if I hadn't gotten that letter from my insurance company."

Huntington is now essentially without breast surgery. It may soon be without neurosurgery. The local neurosurgeons pay over $160,000 a year in insurance, if they manage to qualify for it. And as they leave, a chain reaction occurs: The city's residency program collapses; the medical school is in jeopardy. "The cascade effect is tremendous,"

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as Dr. Kurucz says. Another general surgeon she knows is also having to leave; he has been practicing for 23 years. He, too, has had but a single suit against him, and he won it—but the insurance company said that it could no longer afford to cover him. So: gone.

"It's not really about us," says Dr. Kurucz (meaning, the doctors). "I'm flattered that people care about me, but it's more about *them*, and their access to medical care. Something has to happen. It's too late for me, but *something* has to happen." A fellow doctor—with long experience—says, after considering his words carefully: "You know, if trends continue, the state could really face something like a Third World situation"—long trips to doctors' offices, a shaky quality of care, treatment by a specialist a rarity.

WOE UPON WOE

Already, West Virginia is, as the phrase goes, "medically underserved." A full 51 of the 55 counties are judged, by the federal government, underserved. And recruitment? Nearly futile. This is a state that should be doing everything conceivable to attract doctors, when it instead does most things conceivable to repel them. Steven Summer, head of the state hospital association, says that "national recruiting firms won't even take on a hospital as a client, won't even try to place a physician in this state. They say, 'Don't bother coming to me, because I can't get people to go there.'"

Neither can the state keep what it grows at home. Ninety percent of the graduates of the West Virginia University Medical School do their residencies somewhere else. *Ninety percent*. They are likely to stay, permanently, somewhere else, too. No matter what their desire might be, sensible people don't care to pay insurance rates two-thirds higher than what they can buy someplace else, including just across the border. West Virginia is bordered by five states; some 60 percent of the population lives on those borders; they, with varying degrees of inconvenience, can skip across for medical attention; those who live in the center of the state are hit the hardest, and they tend to be the poorest and unhealthiest, anyway. Foreign doctors have had to pick up the slack; a great many come from the Philippines and India. Yet these doctors, some worry, are not determined to stay for long, and are not fully integrated into the communities. They fare especially poorly in jury trials.

The state's needs are fearsome. To begin with, West Virginia has the oldest median age of any state (besting even the retirement haven of Florida). The doctors, too, tend to be older, and they are, of course, not being replaced. Then there is the dreary roll call, with which West Virginians are painfully familiar. They are Number One, or close to it, in all the wrong places: #1 in the death rate (overall), #2 in the cancer death rate (for all cancers), #1 in the lung-cancer death rate, #1 in the pulmonary-disease death rate, #1 in the heart-disease death rate, #1 in the use of tobacco, etc. The scene is a medical nightmare; coupled with "Tort Hell," the nightmare worsens.

Then there is a matter that doctors and others trip around very, very lightly: One close observer calls it, with a bit of a twinge, the "Appalachian mentality." As he explains, "This is a culture that does not look kindly on success," a culture not likely to be sympathetic to doctors or other relatively high-earners, a culture of resentment, blame, and entitlement. The complaints of doctors—until quite recently—have fallen on deaf ears. As this observer puts it, "It's hard to win a case if you drive a Mercedes to it." Trial lawyers have a field day in front of juries. In one memorable case, a lawyer went to a blackboard and asked the defendant doctor (an ear-nose-and-throat man), "How much do you charge for this particular operation [a common sinus procedure]?" "Two thousand dollars," replied the doctor. "And how many of them do you do a year?" continued the lawyer. "About two hundred," came the answer. Then the lawyer did the math on the blackboard. Everyone on the jury gasped—case closed.

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West Virginia is a state that should be doing everything conceivable to attract doctors, when it instead does most things conceivable to repel them.

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In addition, regular folks have a hard time believing that the enormous jury awards routinely handed out to plaintiffs will actually hurt doctors, to say nothing of their own communities. One doctor remembers that a patient of his had sat on a jury in a malpractice case, a case lost by the doctor being sued: "She said to me, 'I felt really bad for him [the accused doctor], but the lawyer was very dynamic and influential and emotional.' And then she said, 'The doctor doesn't have to pay that money, does he?' That's the problem. People have no sense of what's involved. That doctor, first, has his name blackened and his life torn apart, and then he'll possibly lose his insurance and lose his practice. People never see that side of it."

THE LAWYERS DIG IN

The trial lawyers, of course, are fighting reform with all the (considerable) strength they can muster. They have some powerful allies: The state legislators tend to be lawyers, and sympathetic to those of their own trade; only lately have the cries of doctors, and those of their awakening patients (and the legislators' constituents), seemed to penetrate. Also, the state's largest and most influential newspapers have been squarely on the lawyers' side. Soon after White Coat Day, for example, the *Charleston Gazette* ran a series aimed at debunking the doctors' claims and shoring up the lawyers' brief. While the series was challengeable (at best) substantively, it was effective psychologically and politically.

Still, the lawyers sense that they are vulnerable. They have turned to trying to make a villain out of the insurers, realizing that it's getting harder to portray all the state's doctors as greedy and inept. The new Democratic governor, Bob Wise, who campaigned last fall with the lusty backing of the trial bar, has signaled an openness to reform, aware of the facts on the ground. Earlier this year, the president of the state's trial-

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lawyer association, in a letter to his members, wrote, "The upcoming legislative session could be difficult. . . . Quite frankly, this combination of arguments [those of the doctors] is difficult to rebuff." Consequently, "we would like to develop some victims who can be spokespersons for the need to continue our current system." Lawyers and others can always "develop some victims" (most useful phrase); virtually all doctors acknowledge that there are some bad apples in their barrel, who deserve what the courts have to give them. But doctors, and the patients who need them, are increasingly victims too, and yelling about it.

What do they want (in the classic protesters' phrase)? They want controls on the "affordability and availability" of malpractice insurance. They want a brake on the frequency and exorbitance of lawsuits. They want, really, common sense—not protection, they insist, from their genuine mistakes, but protection from a system and a mindset that unfairly cripples them.

In the meantime, the "crisis" deepens. A relatively young doctor—newly and unexpectedly radicalized—sums it up well: "What these lawsuits do is devastating. Without tort reform, we're not going to make it. I know a guy who just had a case—completely unwarranted—that he won. It took three years. The trial was five days. Yeah, he won. But then, how did he 'win'? He may lose his insurability because of the dollars spent fighting the case. And it's not as though he will learn anything; it's not as though he needed some lesson. Maybe a guy who cuts off the wrong leg, sure. Or a guy who makes some medication error. But most of the time, the only lesson is: Don't take care of sick people, don't put yourself out, don't take care of someone with a brother who's a lawyer, or whatever."

He continues, "When we get hit with a suit, we ask ourselves, 'What could I have done?' And the answer is usually, 'Nothing. I was just in the wrong place.' And the wrong place, unfortunately, is West Virginia." **NR**

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The Road to Reform

How the trial lawyers can be fought

MICHAEL J. HOROWITZ

IMAGINE yourself the CEO of a major corporation approached by your chief marketer with plans for next year's sales campaign. "Let's save lots of money by putting fewer features on next year's widgets," he says. "Then let's ask our customers to buy lots of them by promising we'll make them happier after our profits increase." How long would it take you to fire that guy?

Amazingly, conservative Republicans, moderate Democrats, and the American business community have spent hundreds of millions of dollars—and precious political capital—on tort-reform campaigns that differ little from the widget marketer's scheme. Here's the pitch: "Because tort judgments are too high, Congress should limit the amount of damages its constituents can recover. Because there are too many tort claims, congressmen should vote to limit their constituents' right to sue."

It's not surprising that these multimillion-dollar campaigns have abysmally failed to restrain the growing power of the tort system to mow down whole industries in single cases. It's equally obvious that they've been unable to limit the growing number of tort-lawyer *billionaires* soon likely to have more disposable income to "invest" in politics than all candidates now spend on all elections in any given year. Voters know that the tort system is counterproductive and corrupt, but they've managed to restrain their enthusiasm for reforms asking them to sacrifice their rights to make the world safer for the Fortune 500.

Fortunately, there are better and more far-reaching routes to change. Strategically designed "new agenda" tort reforms increase rather than diminish consumer rights, benefit only those corporate defendants who first offer significant benefits to tort claimants, and require lawyers to comply with ethics rules mandating that they return unreasonable fees to their clients.

These reforms make political as well as policy sense: They provide immediate and tangible benefits to consumers—the reverse of traditional tort-reform proposals, whose direct savings go to corporate defendants. Also, importantly, they focus less on what injured parties receive than on the system's transaction costs—its growing, astonishing propensity to give more money to lawyers than to injured parties. For these reasons alone, new-agenda reforms enjoy strong support from both parties, from liberals as well as conservatives, and from overwhelming numbers of editorial boards and commentators.

A small number of business leaders have seen the need to shift to new-agenda reforms. They have been less concerned with eye-catching outrages like the McDonald's hot-cup-of-coffee case, and more focused on why, when a drunken doctor saws off the wrong leg, the tort system awards multimillion-

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dollar fees to lawyers who take few meaningful risks and add little value to their clients' claims. The reformers have been most interested in altering perverse incentives that encourage lawsuits rather than settlements. They have understood the value of broad, bipartisan reform coalitions—and the folly of waging wars that pit businesses against consumers. Unfortunately, however, they have yet to convince most of their business colleagues to abandon the old take-rights-away reform strategies.

The Bush administration has paid lip service to new-agenda reforms, but—sadly and surprisingly—has reverted to the old, failed scripts when the chips have been down. Here's what's available on the tort-reform front and what the Bush administration has done—or more accurately failed to do—in three critical areas.

Malpractice reform. Not surprisingly, Tom Daschle has eaten the administration's lunch on the patients' bill of rights. In the debate, the White House has taken the classic loser's position: accepting the Democrats' emphasis on lawsuits, but also calling for such "responsible" restrictions as capped pain-and-suffering damages and procedural barriers against getting to court. Predictably, the White House position hasn't held, and the president has been tagged with the classic Republican caricature: "too close to big business" and "no friend of the little guy."

A better approach to malpractice reform was proposed more than 15 years ago by—remarkably—Richard Gephardt. His reform required malpractice claimants seeking pain-and-suffering damages to prove their cases under a near-impossible "beyond any reasonable doubt" standard—*but only if* they had first received and rejected defendant offers to pay all of their lost wages, unreimbursed medical costs, and reasonable hourly attorney fees.

Had the White House gone with the Gephardt bill—or with a more consumer-friendly version introduced in 1995 by Sens. Mitch McConnell and Spencer Abraham—it could have seized the initiative in the patients'-rights debate. It would have been on the side of quickly reimbursing malpractice victims for their actual losses. It would have been able to exploit Rep. Gephardt's claim that the reform created a "preferable system [that] makes . . . recovery . . . cheaper, more rational, and . . . fairer." Gephardt, now the House minority leader, would surely have opposed the legislation he once championed—and Republicans would have been able to exploit that opposition as evidence of the tort bar's veto power over Democratic-party policies. Ironically, the reform would have effectively abolished—not merely capped—most malpractice pain-and-suffering claims; it also would have achieved massive attorney-fee reductions, and far greater health-care cost savings than the administration's current proposal will ever produce.

Years ago, Dick Gephardt figured out a way to reform the medical-malpractice system by devising *newer* rather than *fewer* consumer rights. To its great disadvantage, the Bush administration has not done so. Along with health-care consumers, it's paying a steep price for that failure.

Auto Choice. The administration is missing an equally great opportunity by failing to promote auto-insurance legislation strongly supported by an amazing coalition: Dick Armey, Mitch McConnell, the Chamber of Commerce, John McCain, Joe Lieberman, the Democratic Leadership Council, Michael Dukakis, National Conference of Black Mayors president Wellington Webb, the *New York Times*, *USA Today*, and 9 of the country's 16 largest-circulation newspapers.

The bill offers drivers the right to decide whether to participate in, and pay for, the auto-tort system's wildly expensive pain-and-suffering component. It separates pain-and-suffering claims from the "economic loss" elements of state tort law, and allows consumers to choose both coverages—or economic-loss coverage only. It thus empowers drivers to opt for $40 *billion* in annual insurance-rate reductions; New York senator Pat Moynihan described it, in 1998, as "the largest tax cut of the decade."

Today, many drivers spend more on annual insurance premiums than their cars are worth, and a high proportion of the country's working-poor drivers must spend *more than 30 percent of their total disposable income* to buy minimum-coverage policies that barely compensate those they injure. Auto-choice reform deals directly with this problem by permitting drivers to save, on average, 23 percent of their total auto-insurance costs—with low-income drivers able to save an average of 36 percent. The reform reverses the priorities of a system that now pays billions for whiplash claims but only nine cents on the dollar to accident victims whose medical and other economic injuries exceed $100,000. (This is why Jim Brady and the International Brain Injury Association support auto-choice reform.)

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Reforming lawyer fees enforces the central premise of all codes of legal ethics.

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Because pain-and-suffering cash awards are calculated at two to three times medical costs and thus generate wildly excessive use of physician and chiropractor services, the reform would also target the system's principal source of fraud. It would undo the system's inexcusable payment of two dollars to lawyers for every dollar paid for medical services, lost wages, and related out-of-pocket costs, and would radically reduce the tort bar's estimated $15 billion to $20 billion annual take from auto cases. The reform would tap into growing voter outrage at the cost of driving, and force its opponents to claim that Americans can't be trusted to decide whether to spend $40 billion per year on pain-and-suffering insurance, on safer cars, or on food and medicine for their families.

Failure to support this reform loses the president the opportunity to join Michael Dukakis and the *New York Times* in opposing an unpopular, fraud-driven system. It's hard to see why he doesn't take it up.

Lawyer fees. Directly related to the integrity of the country's legal, commercial, and political systems, this may be the most important of all tort reforms. Its purpose is to enforce the central premise of all codes of legal ethics—that lawyers are fiduciaries subject to outside, neutral review to determine whether their clients have been fairly and reasonably treated.

The issue arises because of the rapidly growing epidemic of manifestly unethical multibillion-dollar fees paid to lawyers in mass-tort cases. These fees, paid as flat percentages of final settlements, often exceed effective rates of $200,000 *per hour* and

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bear little relation to the risks assumed by the lawyers when they were hired. The fees are paid nonetheless, because a whole industry put at risk of bankruptcy by the verdict of a single jury has no prudent alternative but to settle such a case without regard to its legal merits; and such a settlement can be reached only if the lawyers who brought the case are satisfied.

To be sure, appropriate incentives are needed to permit lawyers to represent consumers against powerful business interests. But "mere" multimillion-dollar paydays for prevailing lawyers should be more than adequate to do so—an obvious point, proven by the so-called "shareholder" cases brought on behalf of injured investors. In those cases, courts establish "lodestar" hourly rates roughly equal to what defense lawyers receive, and then multiply the rates by as much as six times to compensate winning plaintiffs' attorneys for the risks they assumed and the excellence of their work. The lure of $1,000- to $2,500-per-hour payments has more than ensured a full supply of sophisticated counsel in shareholder cases—and makes abundantly clear that ten- and eleven-figure mass-tort-case paydays involve unethical expropriations of clients' money.

Enacted in 1996, the Jim and Tammy Faye Bakker provisions of the tax code offer a model for reform. They compel fiduciaries receiving unreasonably large payments from charities, pension funds, or foundations to return their excess payments or pay two dollars to the IRS for every unreasonable dollar kept. Applying the same provision to the mass-tort lawyers—whose ethics codes expressly restrict them to reasonable fees—would ensure multibillion-dollar client paybacks.

Happily, the president endorsed this reform during the campaign, and again in his budget. Unhappily, it's not clear that he will seriously press for its enactment.

Strange that this should be so, for the president should know from his Texas experience what the country will look like if 20 or so tort-lawyer billionaires are created in the next five to ten years through gun-to-the-head payoffs from the soft-drink, fast-food, oil, alcohol, gun, and other industries. He should understand the undemocratic character of nationwide "tort taxes" enacted without congressional approval. He should realize that the reform will generate direct tension between client-voters and overreaching lawyers. He should welcome an up-or-down congressional vote on whether it should be the Massachusetts Health Department—or the small group of politically wired lawyers who brought a late-filed, copycat tobacco lawsuit—that receives the bulk of an incredible $750 million fee now scheduled to be paid. The president and the country would profit from debate over whether Maryland taxpayers—or Democratic contributor Peter Angelos—should receive the overwhelming share of the $1.2 billion tobacco fee that Angelos is seeking, for a case brought under a statute that, in the words of the state-senate president, "changed centuries of precedent to ensure a win."

Today's tort-reform debate echoes the days when the Left controlled politics by offering bigger and better voter benefits, with conservatives consigned to minority status for doing little but saying "no" and "less."

New-agenda tort reforms do what supply-side tax cuts have done: allow conservatives to throw away their green eyeshades, offer tangible benefits to consumers, and gain broad support. And, for a change, prevail. **NR**

The Numinous Negro

His importance in our lives; why he is fading

RICHARD BROOKHISER

EARLIER this year, Al Sharpton led an abortive putsch against Jesse Jackson, though its significance was greater than he, or Jackson, suspected, for it involved someone more important than either man. Both Sharpton and Jackson know this person well. So do you; so does everybody. He is the Numinous Negro.

Jackson had been embarrassed by the disclosure of his mistress and their illegitimate child. Suddenly, the Reverend stood revealed as a hypocrite, and his political effectiveness was hampered.

Sharpton made his opening move in April, on a trip to buy the freedom of black Christian slaves in Sudan. "I think it's outrageous," Sharpton said, "that no nationally known civil-rights group has gone over to Africa to criticize what is happening there." A perfectly good point—but also a barbed one to Jackson, who had been jetting about Africa as President Clinton's special envoy without taking note of the modern slave trade.

Over the following months, Sharpton kept a high profile, as if to say, Look at what I do—and what Jesse no longer does. He demonstrated against the Navy in Vieques, got sentenced to ninety days in jail, and began a hunger strike—a hat trick. When was the last time the VIP Jackson had done any time? Sharpton let it be known that he was thinking of running for president.

But in the flush of success, he overreached. In a jailhouse interview on his presidential prospects in June, Sharpton dismissed the Tawana Brawley case as a factor. "Did I take the blood of the guy I loved and put it on my shirt?" Sharpton asked. "I think the Brawley case pales in comparison."

Wrong comparison. Sharpton was alluding to the aftermath of Martin Luther King's assassination in 1968, when a young Jesse Jackson went on television wearing a shirt that he said was soaked in King's very blood. At the time, Jackson's performance provoked angry questions in the civil-rights movement: Had he cradled the dying King in his arms? Had he only dipped his shirt in King's blood? Was it King's blood at all? Blood or not, was Jackson as close to King as his story implied? Though whites rarely noticed it, the controversy dogged Jackson in black political circles for 25 years. Only after decades of activism and politics, and two runs for the Democratic presidential nomination, did Jackson's critics concede that, whatever the truth of the story, he had retroactively earned the right to have told it. By raising the matter now, Sharpton was airing dirty linen.

Black leaders were not happy. "Certain things we choose not to dignify with a comment," said Jackson's press secretary. Sharpton "needs to eat," said one congressional staffer. "[He]

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sounds like he's delirious." Sharpton had used King to strike at the king, but he had not struck home. His apologies were abject, copious, perhaps even sincere. He asked Jackson to come to prison and pray with him.

Sharpton's three-month putsch attempt was an event in intra-black politics, and hence an event in Democratic-party politics. But it was also something more. At the end of this maneuvering, Martin Luther King Jr., Jesse Jackson, and Al Sharpton, three nationally known minister-politicians, came together like a conjunction of planets. In astrology, such alignments sometimes predict death, and so it did here. The doomed figure was the Numinous Negro.

Who is the Numinous Negro? He is everywhere, especially in our hearts, and if we are lucky he is our friend. The dictionary defines "numinous" as "of or pertaining to a numen," which was a Roman term for "the presiding divinity . . . of a place." "Numinous" also means "spiritually elevated." Jungians and literary critics love the word, but normal theologians use it too. The Numinous Negro is a presiding divinity. The place he presides over is America, and contact with him elevates us spiritually.

You see him in the gooey prose of white liberals whenever a Negro appears ("Negro" was the accepted word when blacks first became Numinous). Dozens of examples could be culled from the work of the late Murray Kempton, though his humor operated as a brake on his piety. The work of Garry Wills, who has no humor at all, would yield thousands of examples. The Numinous Negro need not be a man. Toni Morrison and Oprah are Numinous Negroes (Ms. Morrison is a seer; Oprah is a sage). Marian Anderson was also Numinous.

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King, Jackson, and Sharpton came together like a conjunction of planets. In astrology, such alignments sometimes predict death, and so it did here.

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Art and entertainment, always eager for shortcuts to characterization, make frequent use of the Numinous Negro. When we see a Negro in movies or television, we not only know he is Numinous (unless he is Thuggish—see below), we can judge the other (white) characters by how they treat him. The saintly Death Row hero of *The Green Mile* was so Numinous that even movie reviewers noticed the technique. Morgan Freeman's character in *The Shawshank Redemption* was more complex, though it had elements of numinosity. Some years ago, Freeman played Petruchio in a Central Park production of *The Taming of the Shrew*. There he was not Numinous at all, simply a figure of farce (and an excellent one). But so ingrained are our expectations that it took this spectator a moment to adjust.

The most Numinous Negro of recent history is, of course, Martin Luther King Jr. The real Martin Luther King was a man of many talents—patient, shrewd, eloquent, and brave. He knew what he wanted, and he had faith in God and (ultimately) in his white fellow Americans that his program of civil disobedience would secure it. The real Martin Luther King, like other real heroes, also had flaws and limitations—he plagiarized part of his doctoral dissertation, he strayed from his wife. With the passage of time, we can see that some of the rhetorical flourishes of even the "I have a dream" speech are cornball: "curvaceous peaks of California," indeed.

But all that is lost in the glow of his holiness. The debunkers, and the intelligent admirers who follow them, have not yet done their work. Martin Luther King Jr. is still the divinity who shoved Washington and Lincoln into one holiday, and who is the only non-medical degree-holder, besides Samuel Johnson, who is always referred to as "Dr."

Conservatives have their own version of the Numinous Negro. Remember the joke: Who is the black man at a Heritage/AEI/Manhattan Institute pow-wow? Answer: The speaker. By touching our Numinous Negroes, we show the world, and ourselves, that there is no racism in us. Jack Kemp finally lost himself in the quest for the Numinous Negro. Sometimes it seemed as if he wished to become one.

THE CAST OF CHARACTERS

A word on who the Numinous Negro is not. There are four actors in the repertory theater of the American mind. One is a guest star, who represents the minority that has managed to capture the nation's attention: Irish Catholics and Jews have filled this slot; now gays do. The other three actors are permanent members of the company: WASPs, Indians, and Negroes; white, red, and black, the colors of our psychic flag. As in all small companies, the actors assume multiple roles. The WASP may be stern Cotton Mather, or goofy Steve Martin. The Indian can be Crazy Horse, or a casino owner. Similarly, the Negro plays various parts, which slowly shift over time.

The Loyal Negro has been both a figure of racist sentiment and a bridge across the racial divide: Old Black Joe, or the sidekick. The Erotic Negro has held the stage for a long time. Blacks "are more ardent after their female," wrote Thomas Jefferson. Whites who came up to Harlem in the Thirties "were just mad for . . . what you might call Negro *soul*," wrote Malcolm X. The Thuggish Negro is alternately feared (Willie Horton) and admired (Puffy Combs, a.k.a. P. Diddy). "[I]n the worst of . . . rape, razor-slash, bottle-break, what-have-you, the Negro discovered and elaborated a morality of the bottom," as Norman Mailer put it. Most compelling, perhaps, is the Performer, artistic or athletic, from Scott Joplin to James Baldwin to Michael Jordan.

With what degree of accuracy do these stereotypical characters reflect reality? More than zero, less than 100 percent. But accuracy is not the point: The function of these characters is to minister to our needs. All the many Negroes are invoked by both whites and blacks; depending on how they are played, or who the immediate audience is, these characters can flip from laudatory to hateful, or self-hating.

The Numinous Negro is a post–World War II phenomenon. He appeared at a particular time in the history of mainstream American Protestantism, and its decay. He drew his stereotypical power both from the religion and its evanescence. The key to both sources of power was suffering. Christianity is the religion based on the Man of Sorrows; liberalism is a secular faith

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concerned to remedy what political scientist Kenneth Minogue called "suffering situations." The Numinous Negro symbolized and expressed the travails of American blacks; the blacks who best incarnated the role were ministers who ventured beyond their pulpits.

This is why Malcolm X and Louis Farrakhan, though they were certainly famous, and both clergymen, never spoke as Numinous Negroes. Islam, where Malcolm X ended up, is too remote from the American religious experience; the Nation of Islam, where he began and where Farrakhan remains, is, with its myths and space ships, more alien still.

The minister-politicians offered political victories to their black flocks. To their white admirers, they offered the possibility of redemption. They could criticize and condemn, but they could also exhort and save. They offered to resolve America's blundering over a race brought here as subjects. Nothing else white America had done, from the evil to the heroic, had settled the race problem: not slavery; not keeping blacks in their neighborhoods; not settling them in Liberia; not the Civil War. Maybe by touching the Numinous Negro America could finally put this problem behind it.

Why at the beginning of the 21st century is the Numinous Negro dying? The 2000 Census showed Hispanics pulling equal with black Americans, but numbers have little to do with the American psyche. There have long been more German-Americans than black Americans, but the former have made no impression on the national mind greater than the Katzenjammer Kids.

The Numinous Negro is dying because the source of his divinity has dried up. America's white elite, having cut its ties to its historic Protestant roots, no longer seeks the comfort or counsel of ministers. As far as an outsider can judge, black Protestantism is withering too. Large swaths of it seem to be little more than a community self-esteem racket. Witness the speed with which so many crooked preachers are forgiven. I'm okay, you're okay, we're all okay together.

The suffering the Numinous Negro offered to repair has also changed. It has been a long time since anyone stopped a black person from voting. There were complaints that this happened in Florida last year, but such problems as arose were caused by incompetence, not by Bull Connor; the only reason the Florida race was closer than the margin of error was that blacks voted in such large numbers. Many blacks suffer great problems, but the federal government has spent trillions of dollars on them over the last thirty years. Conservatives say that it has all been misspent, but only the demented say that the government's motives were malicious.

The context in which the Numinous Negro flourished changed during the career of Jesse Jackson, and Jackson himself changed accordingly. Along with his many flaws, he once had flashes of real eloquence. One appeared as late as the 1992 Democratic convention, when, in the midst of his rant, he told an anecdote about a black woman with a repetitive-motion injury, who worked in a chicken-processing factory, and whose supervisor had called her a bitch. "You ain't no bitch!" Jackson snarled, and good for him. But that was very late in the game. The corporate shakedowns, which were taking place back in the Seventies, now take all the time that can be spared from hobnobbing with West African dictators like Charles Taylor and Foday Sankoh. Jackson's appearance has degenerated along with his character. The man who once carried himself at the podium like a bullfighter is now a fleshy, gravelly-voiced shouter. He looks like a comic villain on *Amos 'n' Andy*.

Al Sharpton began below where Jackson ended up. Wit and charm must be granted him, but he has no principles and no honesty. He is a tabloid cartoon figure, moving in a penumbra of slander and murder, from Tawana Brawley to Freddie's Fashion Mart—a grotesque and odious little man. If these are the two contenders for the religious and political incarnation of the Numinous Negro, then it's time to retire the role.

Will the future bring some new role? John Jay Chapman's biography of William Lloyd Garrison describes an electric moment in the life of Frederick Douglass, when an abolitionist takes a walk with Douglass down a Boston street and introduces him to a friend, just as he would introduce any (white) man. The moment is even more fraught than Douglass and Chapman realize. Was the abolitionist trying to *épater* the Yankee *bourgeoisie*? Was he displaying his virtue? How was he using Douglass? How was Douglass using him?

But maybe the moment was also really what it seemed to be—one man introducing another to a third. Maybe when the Numinous Negro has gone away, more black and white Americans will meet each other. We should neither hold our breaths, nor despair. **NR**

D.C. Blue—Very Blue

The force that Marion Barry built (or wrecked)

JOHN J. MILLER

JAYWALKING may be a petty crime, but on the night of March 30, 1967, it had disastrous consequences. At the corner of 13th and U Streets, in the Upper Shaw neighborhood of Washington, D.C., a young black man tried to cross against the light. Two cars nearly hit him, right in front of a stopped police vehicle. A white officer rolled down his window and asked, "Can't you tell the color of a streetlight?" The reply came as a string of obscenities, some of it racial. The cop had intended merely to issue a warning. Provoked, he was now determined to hand out a $5 ticket. This led to a scuffle that grew to include several onlookers: A group of black citizens pitted themselves against white policemen. There were no serious injuries in the altercation that followed—just a few minor bruises on both sides—and the jaywalker was carted off to the precinct house. His name was Marion Barry Jr.

If the decline of the D.C. police department had to be traced to a single event, the decision to challenge Barry that night is a strong candidate. In the trial that followed, according to Harry S. Jaffe and Tom Sherwood in their book *Dream City*, Barry summoned a long convoy of black and white character witnesses, who claimed their friend was a responsible member

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of the community who never could have done the awful things alleged by the police. Barry was already a minor figure in local political life; many in the city regarded him as a brave man who exposed police racism. Upon acquittal, the victim became a hero. Eleven years later, the hero became the mayor. And he was determined to level the D.C. police.

As the country has fixed its attention on missing intern Chandra Levy, it has also become acquainted with the D.C. police. Cable-news devotees have witnessed a string of elementary blunders: the repeated insistence from earliest days that Democratic congressman Gary Condit is "not a suspect," the inexplicable delay in searching his apartment, the leaking to the press, and so on. While it's wrong to judge an entire police force on its performance during a single investigation—let alone one that may hold further developments—the Levy case points to a broader, crippling problem: the fundamental inability of the D.C. police department to carry out many of its duties.

Just a generation ago, the D.C. police department was considered one of the best in the country. Today its reputation is near the bottom. The story of its decline is more important than any lurid, momentary fascination the public has with the Levy case. The D.C. experience serves as a red-alert warning to cities such as Cincinnati, still recovering from racial riots sparked by charges of police misconduct earlier this year, and even New York, which will lose its tough-on-crime mayor, Rudy Giuliani, in a few months. It is fraught with important lessons for urban centers caught in the toxic mix of black radical activism and white liberal guilt.

Yet the D.C. story is also a tragedy unto itself. Consider simply the homicide numbers: 1,500 unsolved murders over the last decade; 225 killings by alleged repeat offenders, including 125 who had been arrested previously (most of their charges were dismissed); and an arrest rate badly trailing that of comparable cities. Two-thirds of all homicides now go unsolved in D.C. A detective told the *Washington Post* last year that in some parts of the city, the force "is spread so thin, you might not get a detective if there's a murder."

There was a time when crime figures this bad would have been unthinkable. In 1968, there were about 2,900 officers on the D.C. force; race riots following the assassination of Martin Luther King Jr. made plain the need for more personnel, as buildings just a few blocks from the White House went up in flames. Troops descended on the city to stop the violence. President Nixon came into office determined to make sure chaos would not reign again in the nation's capital. He poured resources into the police department, even getting the Pentagon to encourage retiring soldiers to apply for jobs there. The number of cops rose to 5,100 within a few years, their ranks swollen with veterans. They cut the D.C. crime rate in half, even as the national crime rate was rising. The homicide closure rate moved above the 90 percent mark. The city bucked a depressing trend, and showed that a serious commitment to fighting crime can yield impressive results. Which is another way of saying the D.C. police had a long way to fall.

In 1978, Barry was elected mayor. He had an animus against the police force, based not just on the jaywalking incident, but also on a perverse view of law enforcement in general. He viewed the police not as a force city politicians were supposed to improve and reinforce, but as an "occupation army" (as he once put it) that must be restrained. One of his top goals as mayor was to shrink the police department. Within eight years, he had chopped it down more than 25 percent, to 3,800 officers. The police force began to rot from within as well. Training virtually halted. Equipment problems became so severe that police cruisers used tires discarded by the Park Police. Many of the best officers grew demoralized and quit, and the mayor made sure they weren't replaced. He lorded over the police, insisting that he approve every promotion above the rank of captain. Choking on patronage, the department became a personal security force that facilitated Barry's own crimes (though these were eventually exposed). Most infuriating of all, from a law-enforcement standpoint, was how Barry reveled in this dubious achievement: The downfall of the police was marketed as uplift of the people. The only thing that went up, however, was the crime rate. Barry seemed unconcerned. "I'm not going to let murder be the gauge since we're not responsible for murders, can't stop the murders," he said in 1989.

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Barry's mayoral days started out with irresponsible accusations of police criminality; toward the end they witnessed a police department that was, in many ways, criminal.

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The problems were glaring and getting worse. In 1988, 40 percent of the candidates eligible to graduate from the police academy failed their exit exam. The academy moved swiftly to fix the problem: It eliminated the exam. "I was hearing complaints from our academy staff that they had to teach people how to read, in addition to how to be police officers," recalls Gary Hankins, a retired 22-year veteran of the D.C. force and one of the founders of its Fraternal Order of Police. "We had people who were functionally illiterate in there. We even located a few people who were mildly retarded." This would be a challenge in any line of work, but for law enforcement it poses special problems. Academy graduates, after all, carry deadly weapons. And the trend away from standards came at precisely the wrong moment. With criminal rights mounting over the years, good cops must increasingly understand the fine points of criminal law. That requires both a high level of education and a native intelligence. If they don't have it, defense attorneys will run circles around them in court and win acquittals for guilty men.

Hankins discovered academy entrance exams rigged to promote certain kinds of applicants: The city granted massive preferences on the basis of race, sex, D.C. residency status, and whether the candidate had graduated from a high school in the District. "Once these 'conversion factors' were put in, people scoring in the 50th percentile on their entrance exams could end up with a score in the mid 80s," says Hankins. "That's a huge adjustment, and it meant plenty of people got in because of something other than their ability." Residency rules are a bad idea just about anywhere; their most obvious effect is to shrink the talent pool. Under Barry, the city experienced a period of

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chronic population loss as members of the black middle class fled D.C. in droves; this made the problem even worse.

At roughly the same time, the department came under pressure from Congress to hire more officers. In response, it streamlined the hiring process—eliminating, for example, all but the most cursory of background checks. When the public became aware of this, the background checks were reinstated; but they were suspended long enough for real damage to result. Scores of D.C. police were arrested on criminal charges in the 1990s. Petty crime blossomed inside police stations. Dozens of guns were stolen. Many typewriters were chained to their desks to keep department employees from ripping them off. Barry's mayoral days started out with irresponsible accusations of police criminality; toward the end they witnessed a police department that was, in many ways, criminal.

This is one of the reasons Chief Ramsey, since coming to the force from Chicago three years ago, has filled the department's top positions with outsiders. Ramsey wins mixed reviews for his job performance, but virtually everybody agrees he's much better than any of his recent predecessors. (The man he replaced, Larry Soulsby, quit in the midst of a corruption scandal.) There has recently been a big drop in the number of times police officers discharge their weapons—a figure many law-enforcement experts watch the way investors track the Dow Jones average. (During the 1990s, the D.C. police shot and killed more people on a per capita basis than any other sizeable police force in the country.) The force now has more than 3,600 officers—still far below where it was during its most effective period, but higher than it was after the deepest Barry cuts, and inching upward. The graduates coming out of the academy are improved, too.

Recovery, however, is a slow process. "There's still a lot of deadwood from the Barry years—lots of bad promotions, including promotions of girlfriends," says one retired detective with many years on the force. "Those people aren't going anywhere because they make more money in the police department than they can make anywhere else." Ramsey arguably had an opportunity to confront this problem at the start of his tenure, when there was also a new mayor and a financial control board ran most of the city's operations. That moment has passed, however, and the deadwood continues to float around the department. Yet it's important to remember that Ramsey, whatever his mistakes, represents a significant break from the past. As Fred Siegel of the Progressive Policy Institute puts it, "Moving away from systematic malfeasance is a big improvement."

One of the ironies of the Chandra Levy case is a complaint muttered occasionally by black Washingtonians: If she were black, they say, her disappearance wouldn't win this amount of attention. That's probably true, but not for the reasons they think. If Gary Condit were a member of the Congressional Black Caucus, the case would still make the news—but it would not receive round-the-clock treatment on the cable channels, precisely because of racial sensitivities. The media would be leery of focusing *too much* attention on a potential crime involving blacks, lest whatever attention it did receive be portrayed as racist.

And this media reflex would be part of the very same impulse that allowed Barry to rise years ago. The city's white liberals enabled much of Barry's misconduct, first by their outright support of him, and then by their refusal to hold him accountable for his actions in office. A disturbing number of people viewed him as the embodiment of black will in Washington—a view that placed him beyond criticism. It was not until fairly late in his tenure, for instance, that the *Washington Post*—a key player in his initial success—turned on him. Congress was not much better, managing merely to pull Barry away from some of his worst impulses while failing to provide the kind of oversight the city obviously needed.

The legacy is a dysfunctional police department. It may be said that Marion Barry is one of the worst men ever to serve as a mayor in the United States. But it must also be acknowledged that when it came to at least one item on his political agenda—the destruction of the D.C. police—he succeeded beyond his wildest dreams. **NR**

Weed Whackers

The anti-marijuana forces, and why they're wrong

RICHARD LOWRY

RARELY do trial balloons burst so quickly. During the recent British campaign, Tory shadow home secretary Ann Widdecombe had no sooner proposed tougher penalties for marijuana possession than a third of her fellow Tory shadow-cabinet ministers admitted to past marijuana use. Widdecome immediately had to back off. The controversy reflected a split in the party, with the confessors attempting to embarrass Widdecombe politically. But something deeper was at work as well: a nascent attempt to reckon honestly with a drug that has been widely used by baby boomers and their generational successors, a tentative step toward a squaring by the political class of its personal experience with the drastic government rhetoric and policies regarding marijuana.

The American debate hasn't yet reached such a juncture, even though last year's presidential campaign featured one candidate who pointedly refused to answer questions about his past drug use and another who—according to Gore biographer Bill Turque—spent much of his young adulthood smoking dope and skipping through fields of clover (and still managed to become one of the most notoriously uptight and ambitious politicians in the country). In recent years, the debate over marijuana policy has centered on the question of whether the drug should be available for medicinal purposes (Richard Brookhiser has written eloquently in NR on the topic). Drug warriors call medical marijuana the camel's nose under the tent for legalization, and so—for many of its advocates—it is. Both sides in the medical-marijuana controversy have ulterior motives, which suggests it may be time to stop debating the nose and move on to the full camel.

Already, there has been some action. About a dozen states have passed medical-marijuana laws in recent years, and California voters, last November, approved Proposition 36, mandating treatment instead of criminal penalties for all first-

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and second-time nonviolent drug offenders. Proponents of the initiative plan to export it to Ohio, Michigan, and Florida next year. Most such liberalization measures fare well at the polls—California's passed with 61 percent of the vote—as long as they aren't perceived as going too far. Loosen, but don't legalize, seems to be the general public attitude, even as almost every politician still fears departing from Bill Bennett orthodoxy on the issue. But listen carefully to the drug warriors, and you can hear some of them quietly reading marijuana out of the drug war. James Q. Wilson, for instance, perhaps the nation's most convincing advocate for drug prohibition, is careful to set marijuana aside from his arguments about the potentially ruinous effects of legalizing drugs.

There is good reason for this, since it makes little sense to send people to jail for using a drug that, in terms of its harmfulness, should be categorized somewhere between alcohol and tobacco on one hand and caffeine on the other. According to common estimates, alcohol and tobacco kill hundreds of thousands of people a year. In contrast, there is as a practical matter no such thing as a lethal overdose of marijuana. Yet federal law makes possessing a single joint punishable by up to a year in prison, and many states have similar penalties. There are about 700,000 marijuana arrests in the United States every year, roughly 80 percent for possession. Drug warriors have a strange relationship with these laws: They dispute the idea that anyone ever actually goes to prison for mere possession, but at the same time resist any suggestion that laws providing for exactly that should be struck from the books. So, in the end, one of the drug warriors' strongest arguments is that the laws they favor aren't enforced—we're all liberalizers now.

GATEWAY TO NOWHERE

There has, of course, been a barrage of government-sponsored anti-marijuana propaganda over the last two decades, but the essential facts are clear: Marijuana is widely used, and for the vast majority of its users is nearly harmless and represents a temporary experiment or enthusiasm. A 1999 report by the Institute of Medicine—a highly credible outfit that is part of the National Academy of Sciences—found that "in 1996, 68.6 million people—32% of the U.S. population over 12 years old—had tried marijuana or hashish at least once in their lifetime, but only 5% were current users." The academic literature talks of "maturing out" of marijuana use the same way college kids grow out of backpacks and Nietzsche. Most marijuana users are between the ages of 18 and 25, and use plummets after age 34, by which time children and mortgages have blunted the appeal of rolling paper and bongs. Authors Robert J. MacCoun and Peter Reuter—drug-war skeptics, but cautious ones—point out in their new book *Drug War Heresies* that "among 26 to 34 year olds who had used the drug daily sometime in their life in 1994, only 22 percent reported that they had used it in the past year."

Marijuana prohibitionists have for a long time had trouble maintaining that marijuana itself is dangerous, so they instead have relied on a bank shot—marijuana's danger is that it leads to the use of drugs that are actually dangerous. This is a way to shovel all the effects of heroin and cocaine onto marijuana, a kind of drug-war McCarthyism. It is called the "gateway theory," and has been so thoroughly discredited that it is still dusted off only by the most tendentious of drug warriors. The theory's difficulty begins with a simple fact: Most people who use marijuana, even those who use it with moderate frequency, don't go on to use any other illegal drug. According the Institute of Medicine report, "Of 34 to 35 year old men who had used marijuana 10–99 times by the age 24–25, 75% never used any other illicit drug." As Lynn Zimmer and John Morgan point out in their exhaustive book *Marijuana Myths/Marijuana Facts*, the rates of use of hard drugs have more to do with their fashionability than their connection to marijuana. In 1986, near the peak of the cocaine epidemic, 33 percent of high-school seniors who had used marijuana also had tried cocaine, but by 1994 only 14 percent of marijuana users had gone on to use cocaine.

Then, there is the basic faulty reasoning behind the gateway theory. Since marijuana is the most widely available and least dangerous illegal drug, it makes sense that people inclined to use other harder-to-find drugs will start with it first—but this tells us little or nothing about marijuana itself or about most of its users. It confuses temporality with causality. Because a cocaine addict used marijuana first doesn't mean he is on cocaine *because* he smoked marijuana (again, as a factual matter this hypothetical is extremely rare—about one in 100 marijuana users becomes a regular user of cocaine). Drug warriors recently have tried to argue that research showing that marijuana acts on the brain in a way vaguely similar to cocaine and heroin—plugging into the same receptors—proves that it somehow "primes" the brain for harder drugs. But alcohol has roughly the same action, and no one argues that Budweiser creates heroin addicts. "There is no evidence," says the Institute of Medicine study, "that marijuana serves as a stepping stone on the basis of its particular physiological effect."

The relationship between drugs and troubled teens appears to be the opposite of that posited by drug warriors—the trouble comes first, then the drugs (or, in other words, it's the kid, not the substance, who is the problem). The Institute of Medicine reports that "it is more likely that conduct disorders generally lead to substance abuse than the reverse." The British medical journal *Lancet*—in a long, careful consideration of the marijuana literature—explains that heavy marijuana use is associated with leaving high school and having trouble getting a job, but that this association wanes "when statistical adjustments are made for the fact that, compared with their peers, heavy cannabis users have poor high-school performance before using cannabis." (And, remember, this is heavy use: "adolescents who casually experiment with cannabis," according to MacCoun and Reuter, "appear to function quite well with respect to schooling and mental health.") In the same way problem kids are attracted to illegal drugs, they are drawn to alcohol and tobacco. One study found that teenage boys who smoke cigarettes daily are about ten times likelier to be diagnosed with a psychiatric disorder than non-smoking teenage boys. By the drug warrior's logic, this means that tobacco causes mental illness.

Another arrow in the drug warriors' quiver is the number of people being treated for marijuana: If the drug is so innocuous, why do they seek, or need, treatment? Drug warriors cite figures that say that roughly 100,000 people enter drug-treatment programs every year primarily for marijuana use. But often, the punishment for getting busted for marijuana possession is treat-

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ment. According to one government study, in 1998 54 percent of people in state-run treatment programs for marijuana were sent there by the criminal-justice system. So, there is a circularity here: The drug war mandates marijuana treatment, then its advocates point to the fact of that treatment to justify the drug war. Also, people who test positive in employment urine tests often have to get treatment to keep their jobs, and panicked parents will often deliver their marijuana-smoking sons and daughters to treatment programs. This is not to deny that there is such a thing as marijuana dependence. According to *The Lancet*, "About one in ten of those who ever use cannabis become dependent on it at some time during their 4 or 5 years of heaviest use."

But it is important to realize that dependence on marijuana—apparently a relatively mild psychological phenomenon—is entirely different from dependence on cocaine and heroin. Marijuana isn't particularly addictive. One key indicator of the addictiveness of other drugs is that lab rats will self-administer them. Rats simply won't self-administer THC, the active ingredient in marijuana. Two researchers in 1991 studied the addictiveness of caffeine, nicotine, alcohol, heroin, cocaine, and marijuana. Both ranked caffeine and marijuana as the least addictive. One gave the two drugs identical scores and another ranked marijuana as slightly less addicting than caffeine. A 1991 U.S. Department of Health and Human Services report to Congress states: "Given the large population of marijuana users and the infrequent reports of medical problems from stopping use, tolerance and dependence are not major issues at present." Indeed, no one is quite sure what marijuana treatment exactly is. As MacCoun and Reuter write, "Severity of addiction is modest enough that there is scarcely any research on treatment of marijuana dependence."

None of this is to say that marijuana is totally harmless. There is at least a little truth to the stereotype of the Cheech & Chong "stoner." Long-term heavy marijuana use doesn't, in the words of *The Lancet*, "produce the severe or grossly debilitating impairment of memory, attention, and cognitive function that is found with chronic heavy alcohol use," but it can impair cognitive functioning nonetheless: "These impairments are subtle, so it remains unclear how important they are for everyday functioning, and whether they are reversed after an extended period of abstinence." This, then, is the bottom-line harm of marijuana to its users: A small minority of people who smoke it may—by choice, as much as any addictive compulsion—eventually smoke enough of it for a long enough period of time to suffer impairments so subtle that they may not affect everyday functioning or be permanent. Arresting, let alone jailing, people for using such a drug seems outrageously disproportionate, which is why drug warriors are always so eager to deny that anyone ever goes to prison for it.

FIGHTING THE BREZHNEV DOCTRINE

In this contention, the drug warriors are largely right. The fact is that the current regime is really only a half-step away from decriminalization. And despite all the heated rhetoric of the drug war, on marijuana there is a quasi-consensus: Legalizers think that marijuana laws shouldn't be on the books; prohibitionists think, in effect, that they shouldn't be enforced. A reasonable compromise would be a version of the Dutch model of decriminalization, removing criminal penalties for personal use of marijuana, but keeping the prohibition on street-trafficking and mass cultivation. Under such a scenario, laws for tobacco—an unhealthy drug that is quite addictive—and for marijuana would be heading toward a sort of middle ground, a regulatory regime that controls and discourages use but doesn't enlist law enforcement in that cause. MacCoun and Reuter have concluded from the experience of decriminalizing the possession of small amounts of marijuana in the Netherlands, twelve American states in the 1970s, and parts of Australia that "the available evidence suggests that simply removing the prohibition against possession does not increase cannabis use."

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Marijuana prohibition basically relies on cultural prejudice. And if marijuana started out culturally alien, it certainly isn't anymore.

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Drug warriors, of course, will have none of it. They support a drug-war Brezhnev doctrine under which no drug-war excess can ever be turned back—once a harsh law is on the books for marijuana possession, there it must remain lest the wrong "signal" be sent. "Drug use," as Bill Bennett has said, "is dangerous and immoral." But for the overwhelming majority of its users marijuana is not the least bit dangerous. (Marijuana's chief potential danger to others—its users driving while high—should, needless to say, continue to be treated as harshly as drunk driving.) As for the immorality of marijuana's use, it generally is immoral to break the law. But this is just another drug-war circularity: The marijuana laws create the occasion for this particular immorality. If it is on the basis of its effect—namely, intoxication—that Bennett considers marijuana immoral, then he has to explain why it's different from drunkenness, and why this particular sense of well-being should be banned in an America that is now the great mood-altering nation, with millions of people on Prozac and other drugs meant primarily to make them feel good.

In the end, marijuana prohibition basically relies on cultural prejudice. This is no small thing. Cultural prejudices are important. Alcohol and tobacco are woven into the very fabric of America. Marijuana doesn't have the equivalent of, say, the "brewer-patriot" Samuel Adams (its enthusiasts try to enlist George Washington, but he *grew* hemp instead of smoking it). Marijuana is an Eastern drug, and importantly for conservatives, many of its advocates over the years have looked and thought like Allen Ginsberg. But that isn't much of an argument for keeping it illegal, and if marijuana started out culturally alien, it certainly isn't anymore. No wonder drug warriors have to strain for medical and scientific reasons to justify its prohibition. But once all the misrepresentations and exaggerations are stripped away, the main pharmacological effect of marijuana is that it gets people high. Or as *The Lancet* puts it, "When used in a social setting, it may produce infectious laughter and talkativeness." **NR**

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THE LONG VIEW

By Rob Long

The following drugs are awaiting FDA approval. Researchers are invited to submit all relevant clinical data.

SHAYMITOL™. Symptoms: multiple, including an inability to refuse an invitation to appear on television; a willingness to live in a completely televised environment; an incapacity to see oneself as ludicrous and/or clown-like; and a compulsion to expose inner thoughts and feelings to as large an audience as possible. Related pathologies include the need to write books detailing career and/or personal failings, incest and/or sexual abuse, and the incompetence of one's parents. Similar pathologies include the need to write books detailing career and/or personal successes, sexual triumphs, and the brilliance with which one raises one's children. Shaymitol™ blocks the "broadcast function" of the frontal lobe, creating in the user a sense of the need for privacy and discretion. In smaller doses it is effective in dealing with extremely large people wearing extremely small bathing suits. Side effects: diarrhea, depression. Expected approval: Autumn 2001.

TELETAXIS™. Symptoms: the compulsive use of the telephone to speak in a robotic, programmed tone of voice while attempting to sell inferior and/or unnecessary products. Symptoms include the inability to understand the phrase "I'm not interested, thank you"; the incapacity to break out of the rotely memorized script; the unwillingness or inability to pronounce correctly the simplest, most basic Anglo-Saxon surname; and the need to speak words quickly but without completely understanding what the words mean. Related pathologies include the creation of voice-mail messages, the design of "telephone menus," and the recording of the phrase: "Your call is very important to us. All other customer-service personnel are assisting other customers. Please hold on, and the next available representative will be with you in a moment." Teletaxis™ floods the brain with a powerful antistimulant designed to suppress the desire, and the ability, to use the telephone in this manner. Side effects: diarrhea, depression. Expected approval: 2004. In clinical trials.

TAXITOL™. Symptoms: an inability or unwillingness to understand the concept of "other people's money," most often found in governmental/bureaucratic communities where there is widespread gathering and use of other people's money. Symptoms include the obsessive/compulsive need to spend such money, the psycho-aggressive behaviors associated with collecting it, and the paranoia resulting in being asked to account for it. Related pathologies in the for-profit sector include: hidden service charges, "processing fees," outrageous shipping-and-handling charges, and the collected business practices of the Microsoft Corporation. Taxitol™ floods the brain with a (patented) chemical compound that reduces and/or eliminates the joy associated with spending other people's money. Side effects: diarrhea, depression. Expected approval: 2002.

MOBILETONIN™. Symptoms: inability to leave home without a mobile phone; unease and distress at scanty cell-phone coverage; inappropriate loudness while having mobile-phone conversations; obsession with phone size and/or dimensions. Often accompanied by the following repetitive disorder: patient using phone can be seen walking along, cocking head in different positions, repeating "Can you hear me now? What about now? What about now? What about now? What about now? What about now? Hello? Hello? Can you hear me now? What about now? What about now? Can you hear me now? Hello? Hello? What about now?" Mobiletonin™ activates receptors in the brain to create a psycho-chemical block in the user rendering cell-phone use unpleasurable. Side effects: diarrhea, depression. Expected approval: 2002. In clinical trials.

HAPPYCAMPERVENOL™. Symptoms: use and overuse of current, irritating catch phrases, such as "I'm a happy camper," "Don't go there," "It's all good," and the like. Related pathologies include the use in business and/or finance circles of such phrases as "value-add" and "core competence." Symptoms are sometimes a sign of "brain lock," in which these behaviors supplant other, more productive, behaviors. HappyCampervenol™ releases tiny amounts of serotonin-like compounds in the brain, allowing the user to contemplate alternatives to the use of the rote phrases, especially the alternative of remaining silent. Side effects: diarrhea, depression. Expected approval: Winter 2003.

ORGANOIATONIN™. Symptoms: fear of food and/or food additives, obsession with agricultural engineering, incapacity to eat anything without a detailed fact sheet, overriding concern with phantom food allergies, and fear of cheese. Related pathologies include the interrogating of waiters, late-night Internet research into the "protein of the Incas," interest in and the cultivation of exotic, tasteless greens, and the boycotting of certain fish. In extreme cases, pathologies can include chaining oneself to a Hormel plant, wearing a "Meat Is Murder" T-shirt, and eating only beans and quinoa (see "protein of the Incas," above). Organoiatonin™ creates an uncontrollable urge in the user for burgers and fries. Side effects: none. (Diarrhea and depression are already present in the user.)

LARRY KING SUPPRESSANT (product name TBA). Symptom: being Larry King. Side effects: none. Fast Track.

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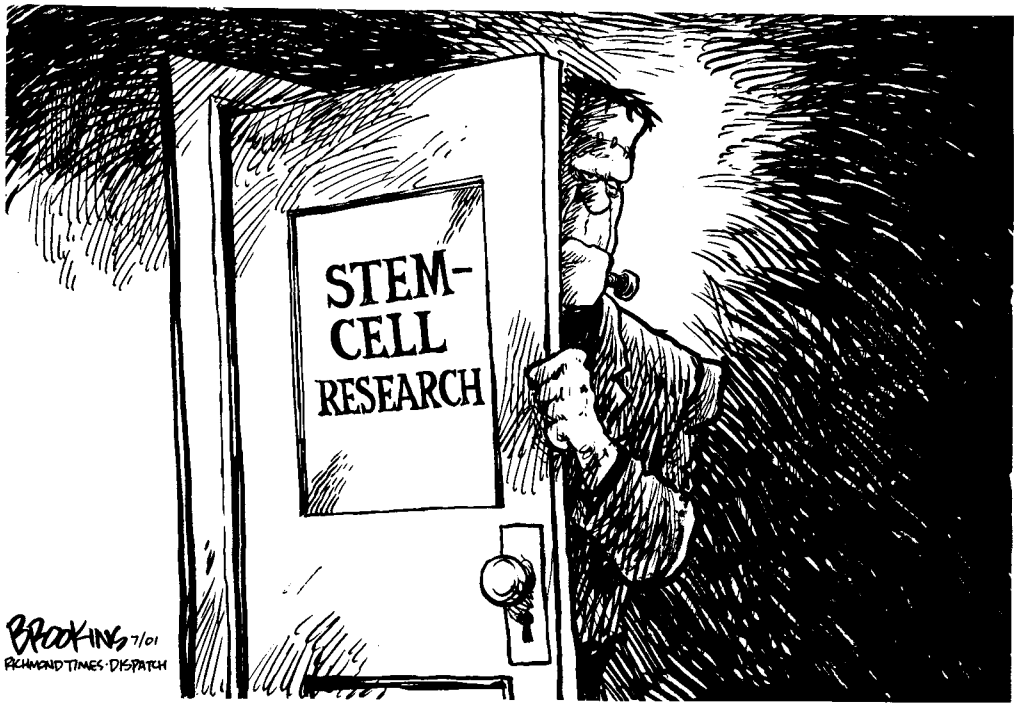

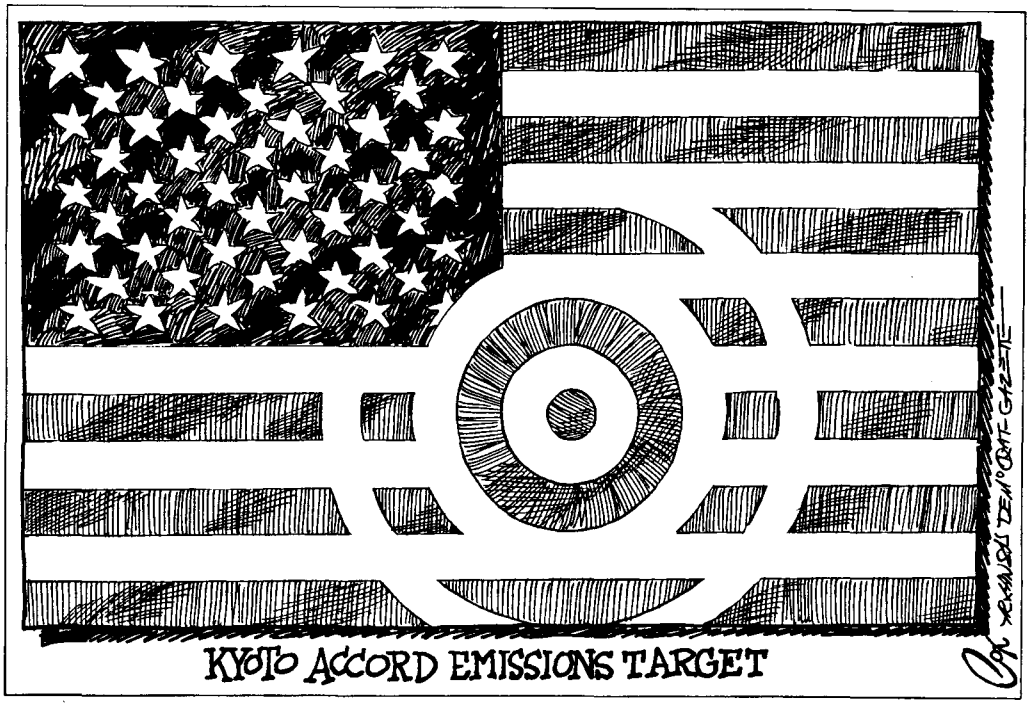

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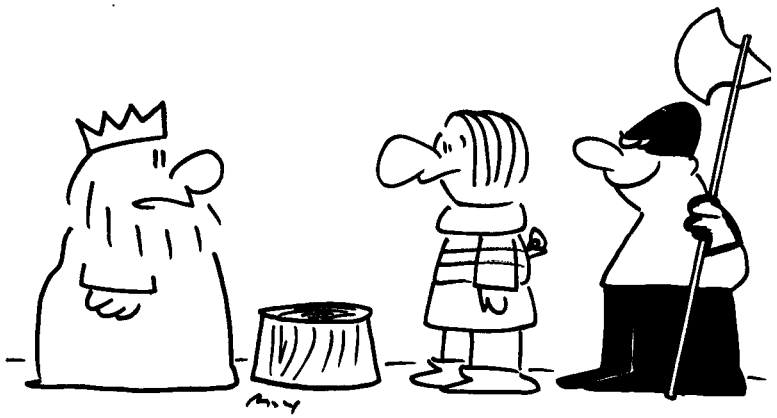

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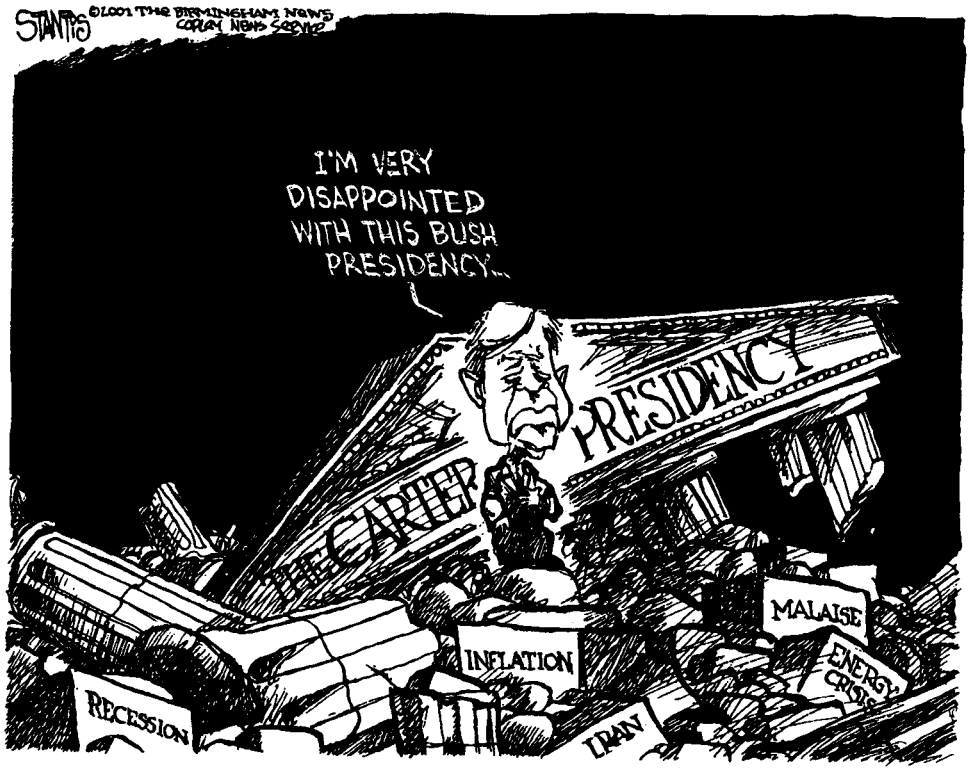
—W. H. von Dreele



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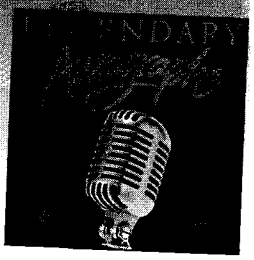

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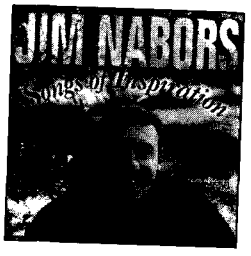

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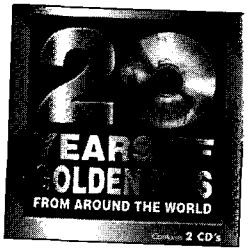

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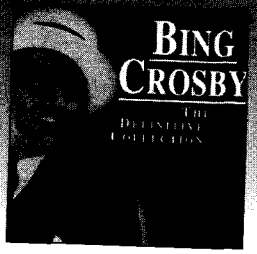

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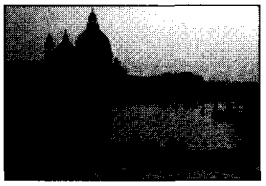

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TERRY TEACHOUT

The Wind Done Gone, by Alice Randall (Houghton Mifflin, 210 pp., $22)

"NO man is a hypocrite in his pleasures," said Dr. Johnson, right as always. As proof of his point, I offer in evidence *Gone with the Wind*. Never has a middlebrow bodice-ripper been more widely reviled by highbrow critics, yet ordinary folks continue to buy it, read it, and like it, no matter how often they're told they shouldn't do any of the above. I paid a visit to amazon.com not long ago to see how this book—the winner of the 1937 Pulitzer Prize for fiction—was doing, and found that the paperback edition ranked 1,650th in sales that day, a figure neither surprisingly high (*The Catcher in the Rye* was 61st) nor humiliatingly low (*The Godfather* was 8,030th). In fact, I'd say it was just about right for a book that has been selling steadily for six decades, and seems likely to keep on selling for at least six more.

Gone with the Wind is, of course, quite outrageously racist, a word that is almost always misused nowadays but can be applied with impunity to a novel in which one character is described as having undergone an experience that was "almost more than the brain in her little black skull could bear." Whatever her virtues, Margaret Mitchell seems to have thought of blacks as a slightly more articulate breed of dog (i.e., stupid but loyal), and you don't have to be easily offended in order to find *Gone with the Wind* offensive whenever it touches on racial matters, which is fairly often. Small wonder that it still draws unfriendly fire from latter-day readers who find Mitchell's lift-dat-bale caricatures odious in the extreme.

Mr. Teachout, the music critic of *Commentary* and a contributor to *Time* magazine, is finishing *H. L. Mencken: A Life.*

Margaret Mitchell by Ismael Roldan

The latest assault on Tara comes in the form of a book-length parody described by its publisher as "a literary achievement of significant political force," "a call to moral attention," and (last and least) "a compelling and entertaining read." Perhaps not surprisingly, *The Wind Done Gone* is none of these things, and it would surely have sunk without trace had the Mitchell estate not taken Houghton Mifflin to court in an ill-considered and ultimately unsuccessful attempt to halt its publication. Instead, this first novel by author Alice Randall has been praised in *Publishers Weekly*, written up in *O: The Oprah Magazine*, and staunchly defended on the editorial page of the *New York Times*, proving for the umpteenth time that the most efficient way to publicize bad art is to hire a lawyer and try to suppress it.

In the improbable event that you haven't heard about *The Wind Done Gone*, allow me to summarize it as compactly as possible. Stung by the condescending portrayals of the black characters in *Gone with the Wind*, Randall decided to rewrite the book from the point of view of Cynara, Scarlett's mulatto half-sister, the illegitimate issue of a liaison between Gerald, Scarlett's father, and Mammy, her maid; in this version, Cynara steals Rhett Butler away from Scarlett, then drops him for a Reconstruction-era congressman of color. If you can't remember Cynara, it's because she's not in *Gone with the Wind*, which contains only a single glancing reference to the fact that some southern whites slept with their black slaves. *The Wind Done Gone*, by contrast, is about little else.

This might have been a passably clever idea in, oh, 1956, but countless books, many of them well-known and not a few written by white men, have since made prominent mention of the peculiar institution of antebellum miscegenation. To be sure, a gifted artist can ennoble the stalest of subjects, but Alice Randall doesn't fill the bill. A Harvard lit major whose previous "literary" efforts include a TV movie and a hit country song, Trisha Yearwood's "XXX's and OOO's (An American Girl)," Randall is no novelist. Her plot is exiguous, her prose stiff and unsure ("If it was mine to be able to paint pictures, if I possessed the gift of painting, I would paint a cotton gown balled up and thrown into a corner waiting to be washed, and I would call it 'Georgia'"). Nor is she any kind of parodist. The only funny thing about *The Wind Done Gone*, in fact, is the fawning press it's been getting.

All this led me to wonder how so dull a book got into print in the first place. The answer wasn't exactly tough to figure out: *The Wind Done Gone* is a quintessential example of entitlement publishing. Who cares if it sells? Who cares if it's good? Entitlement publishing isn't about quality, a concept that in any case has been declared oppressive and

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immoral by literary theorists; it's about politics. Books like *The Wind Done Gone* aren't any good, but they *ought* to be, so they get published anyway. Trend-snuffling reviewers hail them as "transgressive" and "subversive"; guilt-ridden Volvo owners buy them and delight in the sensation of being on the cutting edge of culture. Does anybody actually read them? That doesn't matter, either. Andy Warhol was righter than he knew: In the future, everybody will get to publish one book, which will remain in print for 15 minutes.

Gone with the Wind, on the other hand, will keep on being read and relished by the common readers with whom Dr. Johnson rejoiced to concur, for the very good reason that it's a pretty good novel, not to mention a rather surprising one. Over and above the pure pull of plot, it has some unexpectedly shrewd things to say about the vanity of the Glorious Cause (most of which didn't make it into the movie). Ashley Wilkes's anguished letter to his wife Melanie is a case in point: "I see too clearly that we have been betrayed, betrayed by our arrogant Southern selves . . . by words and catch phrases, prejudices and hatreds coming from the mouths of those highly placed, those men whom we respected and revered—'King Cotton, Slavery, States' Rights, Damn Yankees.'"

Moreover, *Gone with the Wind* is peopled with characters whose inconsistencies make them interesting, none more so than Scarlett O'Hara, an unattractive, inexplicably seductive antiheroine whom Trollope himself might well have been pleased to dream up on an especially good day. "I like to think that my parody creates a con-text [*sic*], an opposition text, which illuminates the text to which it responds," says Randall, speaking in the grating tones of the academy that spawned her. One would be more inclined to take her smug little book seriously if it contained even one character half as vividly drawn as Scarlett. Instead, it sucks all its fitful life straight from the veins of the infinitely more compelling "text" it seeks to "illuminate." Such are the vampirish ways of postmodern artists, who live by biting their parents' necks, then complain because they don't like the taste of blood. **NR**

The First 'Black Conservative'?

THOMAS SOWELL

Rac[e]ing to the Right, by George S. Schuyler (Tennessee, 224 pp., $27.50)

It is hard to think of anyone who is, or has been, a black conservative, in the full sense of the word "conservative." Most of those who are called black conservatives are certainly not interested in preserving the status quo. That status quo includes welfare, failing schools, quotas, and separatism that most black conservatives deplore and attack. Still less are they seeking to return to some *status quo ante*, such as the Jim Crow era. The term "black conservative" has come to be used very loosely to refer to those who are opposed to the liberal-left vision and policies on racial issues.

In that sense, George Schuyler (1895–1977) may well have been the first black conservative intellectual, as well as one of the best. Booker T. Washington may come to mind as a predecessor, but the founder of Tuskegee Institute was primarily an educator, rather than someone who made his living from his writings, as Schuyler did. Moreover, the circumspection that marked Booker T. Washington's words, during a particularly bitter and dangerous time for black Americans, was nowhere to be seen in Schuyler's later witty, cutting, and brutally honest writings that took no prisoners. His novel, *Black No More*, devastatingly satirized the black leaders of the 1920s and 1930s, including W. E. B. DuBois.

George Schuyler never lost his zest for puncturing cant and taking blowhards down a peg, whether in his left-wing youth or in his conservative older years, when he attacked the likes of Malcolm X and exposed the Communists as people whose gulags held more slave laborers at one time than were imported into the Western Hemisphere over a period of centuries.

Consistently out of step with the times and the object of bitter hatred, Schuyler sometimes wrote with a gun by his typewriter. But he accepted hostility and controversy as going with the territory. He said, "I like nothing better than a Pier Six brawl with no holds barred." But George Schuyler was more than just an explosively controversial journalist. A recently published collection of his writings, entitled *Rac[e]ing to the Right*, shows a man very well informed about his own times, and far beyond the realm of race, as well as very knowledgeable about history and its implications. He also traveled widely across the United States and in Europe, Africa, and Latin America.

■

Schuyler told Malcolm X to his face that the Black Muslim movement was 'dictatorial.'

■

The era in which Schuyler was a journalist, novelist, and man of letters stretched from the 1920s through the 1960s—crucial decades that saw major transformations of American racial history. His insights were always enlightening, even if his conclusions were not always easy to agree with. Indeed, he did not always agree with himself over this long span of time when he migrated ideologically from the Socialist party in 1921 to the staunchly conservative Manchester *Union Leader* in the 1960s. But, whether he was on the left or the right, there was no "spin" to his writings. He called them the way he saw them and let the chips fall where they might.

Black English he called "hogwash," and he told Malcolm X to his face that the Black Muslim movement was "dictatorial." He also deplored "seeing the Nobel Peace Prize awarded to a succession of pious frauds for the purposes of political propaganda." Yet Schuyler was not limited to one style or one approach. He was as ready to praise the Black Muslims for their rehabilitative work in

Mr. Sowell is a syndicated columnist and the author of numerous books, including *The Einstein Syndrome: Bright Children Who Talk Late*, soon to be available.

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prisons and their self-help philosophy as to condemn their rhetoric or their tactics. He also said, "I have high respect for DuBois but not for some of his opinions." Even Martin Luther King Jr. did not get a free pass from Schuyler, who acknowledged that Dr. King was "dedicated to the cause of improving race relations" but concluded that "he contributed very little to the solution of the touchy problems of race relations in the United States."

George Schuyler wrote in 1956: "No generalization about Negroes is apt to be true." That was certainly true of Schuyler himself. "Conservative" in the strict sense of the word is hardly a label that fits a black journalist who, in the 1920s, married a white heiress from Texas. But, as Schuyler said in his later years, "I didn't marry a white woman. I married a certain individual" and she happened to be white. He found no such profound cultural differences between American blacks and whites as some others did. "Negroes and whites from the same localities in this country talk, think, and act about the same," he said. The black American "reads the same Bible" as his white counterpart, "smokes the same brands of tobacco and avidly peruses the same puerile periodicals."

The collection of George Schuyler's essays with the gimmicky title *Rac[e]ing to the Right* has far too little of Schuyler and far too much of the editor, Jeffrey B. Leak, an assistant professor of African-American literature. When an editor's introduction is more than one-fourth as long as the writings he is introducing, that is bad enough. But when what the editor says is at best pedestrian and more usually sophomoric, that is too much. As a sample of Professor Leak's wisdom, he says of Shelby Steele: "As an African American who has earned a doctorate, he is a beneficiary of affirmative action"—as if blacks had not earned doctorates before affirmative action came along or could not continue to earn them afterward on their own merits.

Nevertheless, this collection of George Schuyler's essays gives a taste of what this man of superb intellect and integrity was like, and that may be enough to cause some readers to seek out his other writings—and perhaps inspire some more mature and capable editor to create a better collection. **NR**

Abandoned Ship

JEFFREY HART

In Harm's Way: The Sinking of the USS Indianapolis *and the Extraordinary Story of Its Survivors*, by Doug Stanton (Holt, 333 pp., $25)

JOHN ERSKINE'S famous essay, "The Moral Obligation to Be Intelligent," was first articulated as his 1913 Phi Beta Kappa address at Amherst College. A year earlier, the *Titanic* had gone down off Nova Scotia with enormous loss of life, and Erskine had much on his mind the complacency of Capt. Edward Smith, who—despite multiple iceberg warnings—had sailed his ship at night into the ice field at 22.5 knots.

Erskine's essay also comes to mind in connection with Pearl Harbor, and with the loss of the USS *Indianapolis*, which occurred almost at the war's end. Both disasters resulted from the Navy's failure to be intelligent, in Erskine's sense. The title of Gordon Prange's fine book about Pearl Harbor epitomizes the first: *At Dawn We Slept*. Doug Stanton's *In Harm's Way*, thoroughly researched and beautifully written, tells the horrifying story of the *Indianapolis*. In both disasters, individual mental sloth and the Navy's organizational dysfunction led to the tragic and shameful results.

Commissioned in 1932, the *Indianapolis* was a formidable cruiser during the Second World War. It had been Franklin Roosevelt's favorite warship, and now was the flagship of Adm. Raymond Spruance, victor at Midway, the triumph well characterized by John Keegan as "the most stunning and decisive blow in the history of naval warfare."

The *Indianapolis*, under the authority of Capt. Charles McVay, had the top-secret job of carrying components of the Hiroshima bomb from San Francisco to Tinian, where the bomb would be loaded onto the *Enola Gay*. (The bomb was called "Little Boy"; the Nagasaki bomb was called "Fat Man." As Stanton explains, the bombs were originally named for Roosevelt and Churchill, "Thin Man" and "Fat Man." But a change in design made the thin-man name inappropriate.)

After leaving the "gadget," as the scientists called it, at Tinian, the *Indianapolis* headed for Leyte in the Philippines, where it was scheduled for gunnery practice preparatory to the expected invasion of Japan.

On July 30, 1945, the *Indianapolis* was cruising, unescorted, west of Guam when two torpedoes struck it, sinking the ship in a few minutes. An estimated 300 men were killed by the blasts or entombed below. About 900 went into the Pacific. There they floated for four and a half days, clinging to rafts and nets, swimming in life jackets, without food or water, scorched by a relentless tropical sun and savagely attacked by hundreds of sharks. Only 321 survived; of these, some died later in the hospital.

■

The Navy's organizational dysfunction led to tragic and shameful results.

■

Incredibly, the Navy personnel on Leyte were not alarmed by the fact that the *Indianapolis* was seriously overdue. Lazily, they assumed that it had been ordered elsewhere, not bothering to confirm this supposition with headquarters on Guam.

Lt. Cmdr. Mochitsura Hashimoto captained the Japanese submarine, a new top-quality ship. In addition to torpedoes, it contained three one-man submarines, effectively man-steered torpedoes. When Hashimoto spotted the *Indianapolis* through his periscope, he figured he could hit it with his ordinary torpedoes. The three kamikaze submariners were disappointed at losing this chance for glory.

Soon after the end of the war, Hashimoto was brought to Guam to testify

Mr. Hart is an NR senior editor. His new book, *Smiling Through the Cultural Catastrophe: Toward the Revival of Higher Education*, will be published by Yale University Press in September.

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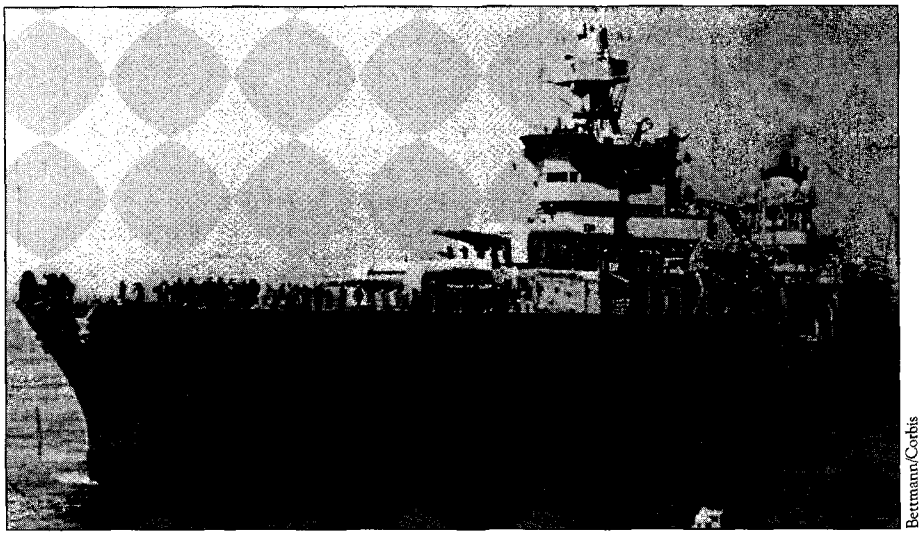
at the court-martial of Capt. Charles McVay. Stanton does not quite say so, but this court-martial seems to have been a hurried attempt by the Navy to focus on McVay and deflect attention from the Navy's faults of omission and commission.

The *Indianapolis* was not equipped for antisubmarine warfare. It had no depth charges or sonar equipment, and it normally would have been escorted by destroyers.

McVay had been told that there was little likelihood of Japanese submarines on his route. Officers senior to his briefer knew the opposite was true, because the Japanese code had been broken. But according to Navy policy, no information could be passed to the likes of McVay if it might indicate to the Japanese that the code had been compromised. Hence the *Indianapolis* was sailing unescorted, without anti-submarine equipment, and misinformed, into lethal waters. A nice Catch-22.

Everyone remembers the account in the film *Jaws* of the shark attacks given by the fisherman Quint, who had been on the *Indianapolis*. I can almost recite it from memory, since I revisit *Jaws* every year at the beginning of the beach season. Stanton says the Quint character is based (but no doubt with Captain Ahab nearby) on Bob Cause, a crew member who survived to become a commercial fisherman and shark hunter in Florida. Here Stanton describes the advent of the predators:

> Before dawn, up from the deep, perhaps attracted by the booming of the [*Indianapolis*'s] exploding chambers or lured by the blood trail of the injured and the dead, the boys' greatest fears were coming to life.
>
> By dusk on Monday, hundreds of sharks had encircled them. There were makos, tigers, white tips, and blues. Rising at the speed of a man on a gentle run, the sharks ascended from the depths of the dark sea to the paler glow of approaching night overhead, toward a sky empty of stars. As the heat of the day tempered into relative cool, the boys, lying in rafts, hanging from floating nets, and bobbing in life vests, began to feel things bumping from below—nudges and kicks that they mistook for the touch of their comrades treading water.



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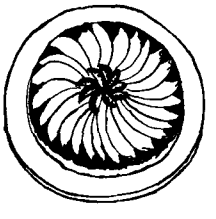
The USS Indianapolis, *October 23, 1944*

The days of carnage were about to begin. Men (I prefer this to Stanton's "boys") went crazy, stabbed one another, deliberately drowned themselves, died of shock or from drinking too much seawater, and were cut to pieces and eaten by the sharks.

Capt. McVay found his way to a life raft, and later stood trial on Guam. Admirals Nimitz and Spruance had opposed a court-martial but were overruled by Adm. Ernest J. King (King's daughter later said that he was the most even-tempered man in the Navy: always in a rage). McVay was charged with not abandoning ship in a timely manner, and with failing to zigzag en route.

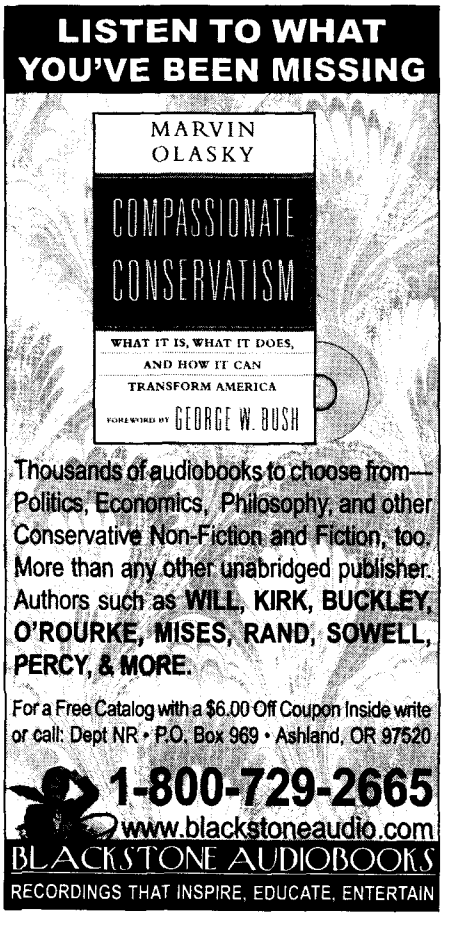
The first charge was transparently absurd. The ship sank within minutes. The second was more problematic, since McVay had been instructed that there was little chance of encountering a submarine. According to Navy rules, a captain need not zigzag if he judges it too dark to be spotted.



Hashimoto did spot him, under an occasional sliver of moon. Still, Hashimoto himself testified that zigzagging would have made no difference. At the trial, none of the Navy's botched responsibilities were admissible.

McVay was convicted on the zigzag count, lost all chance of making admiral, and was assigned to deskwork. Finally, on Nov. 6, 1968, at his Connecticut farm, after prolonged depression, he shot himself in the head. Lt. Cmdr. Hashimoto lived into his 90s, and died a Shinto monk in Kyoto.

This book fully deserves the acclaim it has received. Thinking again of John Erskine, the failure of practical intelligence here makes the deaths and suffering all the more poignant. Those responsible merit the Captain Edward Smith Award. **NR**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Sickness and Health

WESLEY J. SMITH

Saving Milly: Love, Politics, and Parkinson's Disease, by Morton Kondracke (Public Affairs, 320 pp., $25)

MORTON KONDRACKE is a veteran journalist and syndicated columnist, a television "talking head" best known as the eminently reasonable man in the gray political middle—the Democratic answer to Republican David Gergen. In recent years, Kondracke has also become an outspoken advocate for increased spending on medical research in general and embryonic-stem-cell research in particular.

Although Kondracke is a political animal who earns his living in highly political Washington, *Saving Milly* is an intensely personal memoir. Above all, it is a beautiful love letter to Milly: wife, friend, and mother of the couple's two daughters, a vital and dynamic woman who is the center of his life.

The first part of the book quickly covers their meeting, courtship, and early married years. At first, Kondracke rejected Milly as a potential mate, out of ambition: He was looking to marry an upper-crust lady possessing money and, most especially, Washington connections—someone who could help him become the big-time Beltway journalist he wanted to be. But bright, moral Milly's working-class charms bored past Kondracke's pretensions, and finally he asked her to marry him.

The Kondrackes' marriage is tempestuous and passionate but utterly solid. The depth of their love is made all the more obvious by the author's description of the ephemeral matters about which they argued. "I'd blame her . . . for committing me to do something I didn't want to do," Kondracke writes. "She'd blame me for never wanting to do anything." In other words, they had a typical marriage. True, in the midst of an argument the D-word would occasionally be thrown—but ending the marriage was never seriously considered. "Somehow within minutes of such discussions, we'd end up apologizing and making love."

If the ups and downs of their happy marriage constituted the sum and substance of *Saving Milly*, it might be worth at best a magazine article. But the author is hunting bigger game. When Milly comes down with a devastating case of Parkinson's disease, the book acquires focus and becomes a truly compelling read. Milly's struggle with Parkinson's could easily have been reduced to a soap opera, but Kondracke isn't asking for pity. Rather, he earnestly seeks to help other families who are living through the tragedy of catastrophic illness or injury by assuring them that they are not alone. To accomplish this, he bravely lifts the veil of privacy off his own home: He shares his wife's raw terror of becoming disabled and of being abandoned by her husband, who she fears will no longer love her. He reveals the irrationality that often accompanies dreaded diagnoses: the denial, the anger, the recriminations. He explores the pain of losing robust health and the ability to walk and talk. Kondracke's unflinching prose sometimes makes for difficult reading. But his openness will undoubtedly help members of other families forgive one another's shortcomings, and ease the guilt that often accompanies human imperfection.

Kondracke has a spiritual purpose: to give his testimony. He describes how Milly's illness forced him to cling to God as his power and hope, and he extols the beneficence of Christian community. Kondracke repeatedly asks God to tell him his life's purpose. The answer is always the same: "Take care of Milly." He does so with a depth of love and devotion that should become an example of ideal husbanding in premarriage counseling sessions.

After their initial shock abates, the pair become political activists working for increased spending on Parkinson's research. This section effectively punctures the pretensions of Washington politicians. When he and Milly meet Bill and Hillary Clinton at a 1993 White House reception, they make a hurried pitch for increased funding. The president politely shines them on. But Mrs. Clinton chirps, "Wait until we pass health reform. We are going to do a lot!" As they walk away, Kondracke tells Milly, "Well, you've just been lied to by the First Lady of the United States."

Later, when the Clinton administration offered—despite its public promises to the contrary—only a tiny increase in funding, Kondracke forcefully criticized Clinton in print. He then learned that the Clintons have very thin skin: The Kondrackes, despite being Democrats, were never invited back to the White House again.

On another occasion, Kondracke organized a rally to pressure Congress into increasing funding for Parkinson's research. After Michael J. Fox spoke, Sen. Arlen Specter was scheduled to take the microphone, but Sen. Ted Kennedy asked to address the crowd so he could make a pressing appointment. As Kennedy was introduced to the crowd, a furious Specter stormed out, his aide hissing, "Senator Kennedy! Is he the [committee] Chairman?" Kondracke is forced to write an "abject" letter of apology.

To his credit, Kondracke decries the use of celebrities as front persons in public-policy debates. But he realizes that when in Rome, one must do as the Romans do; thus, toward the end of the book he uses the momentum he builds in *Saving Milly* to launch an emotional pitch for federal funding of embryonic-stem-cell research.

On this subject, however, Kondracke has tunnel vision. He casts opponents of this research as rigid pro-life absolutists. This is unfair; the issue far transcends conventional abortion politics. What the opponents question is not only the destruction of human embryos but the wisdom of commodifying human life and transforming it into a mere natural resource available for harvest.

Mr. Smith, an attorney and consumer advocate, is the author of *Culture of Death: The Assault on Medical Ethics in America*.

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Abortion has nothing to do with it; foes of embryonic-stem-cell research are not demanding that women be required by law to gestate and give birth against their will.

Kondracke also fails to mention the abundant sources of stem cells that offer hope for medical breakthroughs without destroying embryos. Human stem cells can be found in brain tissue, fat, bone marrow, organs, umbilical-cord blood, and placentas. Some of these alternative therapies are already successfully treating serious illnesses; for example, white-blood-cell therapy has restored bladder control and partial function to the legs of a paraplegic. Nor does Kondracke—who has expressed his opposition to cloning—acknowledge what biotech-industry representatives have often admitted: that cloning will be a necessary part of embryonic-stem-cell therapy.

■

The very difficult health transitions we all face in life do not make any of us less worthy of being loved.

■

I was also a bit put off by Kondracke's repeated use of the term "the old Milly" to describe his wife before she became disabled. He describes his young wife as a living dynamo—almost a force of nature. But Kondracke's own book portrays today's Milly as stronger, more courageous and dynamic than ever; it is just that her illness forces her to walk through different walls.

It seems to me that we must reinforce the verity that the very difficult health transitions we all face in life do not make any of us less valuable or less worthy of being loved. We all age. We become ill. Our physical abilities change; our personalities too. But that does not make our prior selves better or more worthy than who we are today or will be tomorrow. Indeed, Kondracke loves his Milly. Her illness did not cause his love to lessen but to grow.

In truth, there is only one Milly. And from what I learned in her husband's splendid book, she is a treasure. **NR**

Dylan and Tradition

MARTHA BAYLES

To greybeards nostalgic for their granola days, Bob Dylan's 60th birthday was a poignant reminder of how long in the tooth they're getting. To less nostalgic souls, the sight of another 1960s icon confronting age is a welcome rebuke to the arrogance of youth—especially *that* cohort of youth. Either way, Dylan is once again being touted as the bellwether of his generation.

Like most of his musical peers, Dylan started out in the folk movement of the early 1960s, which was rooted in the Old Left of the 1930s; he then turned inward to embrace the psychosexual liberationism of the New Left. As the 1960s faded, he embarked on a 30-year quest for meaning that by a circuitous route has led him toward and (some say) away from religion.

These changes have been fodder for countless "Dylanologists" masticating the messages in his often-cryptic lyrics. Was "A Hard Rain's A-Gonna Fall" really about radioactive fallout? Who was the clueless Mr. Jones? Was "Like a Rolling Stone" a covert attack on South Vietnam's Madame Nhu? And is the latest lyrical reference to light or angels taken from the Gospels or from the Hebrew Bible?

My concern, however, is not with Dylan's words but with his music. Most culture pundits focus on the words and treat the music as mere accompaniment. But to neglect Dylan's music is to neglect his most enduring influence—not as a radical counterculturalist but as a deep-dyed musical traditionalist. I say this in spite of Dylan's patent limitations as a performer. His rough and approximate vocalism is often compared to that of the blues, but the comparison is ill informed: The great blues singers (the late John Lee Hooker, for example) may sound rough, but their pitch, attack, and timing are always precise. As for Dylan's guitar- and harmonica-playing, suffice it to say he is rarely in demand as a session musician.

Nevertheless, Dylan is a gifted songwriter and bandleader who over time learned to exploit both talents. Songwriting came first, and for diehard fans it is still wonderful to hear the young Dylan's nasal, monotonous voice sing a spare, elegant ballad like "It Ain't Me Babe," "Don't Think Twice, It's All Right," or "Tomorrow Is a Long Time," accompanied only by strumming guitar and wheezing harmonica. But I daresay Dylan himself grew tired of this limited sound—why else go out and hire a band?

The young Bobby Zimmerman of Hibbing, Minnesota, played rock 'n' roll in high school, and in the 1950s that meant being steeped in such rich vernacular styles as rhythm and blues, gospel, and country. Of course, when Zimmerman discovered folk music and became "Bob Dylan," he submitted to a

Martha Bayles is the author of *Hole in Our Soul: The Loss of Beauty and Meaning in American Popular Music.*

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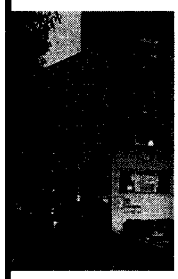

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strict regime, inherited from the Old Left, on the question of which music was "authentic" and which was not. Classified as "inauthentic" were swing, rhythm and blues, country, rock 'n' roll, and the use of electrified instruments—all of which, according to Marxist theory, did not come directly from the people but rather were commodities tainted by the capitalist means of production.

But Dylan chafed at the folk movement's ideological purism, taking essentially the same view as Big Bill Broonzy, the venerable bluesman, who once quipped, "I guess all songs is folk songs. I never heard no horse sing 'em." In 1965 Dylan broke the rules and began performing and recording with electrified bands. His music sounded ten times better, and his career went into orbit.

Supposedly, Dylan's fusion of folk authenticity with blues electricity ignited the explosion known as *rock*—the blues-based music since transmogrified into hard rock, psychedelic rock, art rock, shock rock, heavy metal, glam metal, thrash metal, speed metal, death metal, punk metal, and other squealing progeny too numerous to list. But Dylan did not sire this line. Indeed, the true measure of Dylan's good musical taste is how quickly and thoroughly he parted company with rock.

Musically speaking, the worst thing about rock is the rhythm. Allan Bloom's memorable line—"rock has the beat of sexual intercourse"—captures the problem: The rock beat is simple, repetitive, pounding. Of course, this is not the last word on rhythm. The best American music has a steady pulse, but in creative tension with other rhythmic patterns; this is the African touch, the toe-tapping magic known as syncopation, swing, funk, groove. Rock lost its groove in the late 1960s, when the lead guitar became a virtuoso instrument, eclipsing the bass and drums. This never happened in Dylan's ensembles.

In 1968 Columbia Records tried an advertising blitz called "revolutionaries of rock," starring none other than Dylan. But Dylan, woodshedding with the Band at his Woodstock retreat, was intent instead on breaking down the barrier between rock and country music. His work on the low-key *John Wesley Harding* (1967), *Nashville Skyline* (1969), and the recordings later released as *The Basement Tapes* (1975) led to a new genre called country-rock, which despite its later blandness helped keep popular music connected with its roots during a period of decadence and racial polarization.

In the 1970s it became fashionable to pickle Dylan as a countercultural relic, as sacred and unalterable as Jim Morrison, Jimi Hendrix, and Janis Joplin. Biographer Anthony Scaduto credited him with having "provided the emotional drive" that brought "Marcuse, Hesse, Fanon, Sartre, Camus, Proudhon" to the masses. When the truth finally hit home that Dylan was not (and never had been) interested in politics, Pete Hamill bent himself into a pretzel claiming in the liner notes to Dylan's introspective 1975 album *Blood on the Tracks* that while everyone else's retreat to private life was a form of death, Dylan's was "absolutely right" because it gave "all of us . . . some simple things to believe in."

What better time to become a born-again Christian? In 1979, Dylan astounded his would-be embalmers with the news that he had found Jesus. This transformation yielded a bumper crop of latter-day Dylanologists, fretting about whether the Great One's soul belonged to the Vineyard (an evangelical church in Malibu, California) or to the Chabad Lubavitch.

But here again, Dylan's extra-musical conversions are less important than his musical conservationism. Even his most secular fans agree that his first Christian album, *Slow Train Coming* (1979), is musically one of his finest. Co-produced by Jerry Wexler—who during the 1960s had brought Aretha Franklin's music "back to church"—and backed by gospel musicians and singers, it was a bold return to American musical roots. Dylan told *Newsweek* in 1997: "I find the religiosity and the philosophy in the music. I don't find it anywhere else. Songs like 'Let Me Rest on a Peaceful Mountain' or 'I Saw the Light'—that's my religion." Not a bad philosophy for an American traditionalist. **NR**

■ FILM ■

Apes & Scrapes

JOHN SIMON

THIS summer's movies are even more disheartening than the usual dog-day fare. They are less concerned with human beings than with robots, dinosaurs, cats and dogs, and monkeys. Perhaps this is why so many reviewers have gone ape over ***Ghost World***, a feeble effort that has elicited raptures all the way from the *New York Times* to the *Village Voice*.

On the surface, this is a movie about people, but let us not forget its provenance from a comic-book novel by Daniel Clowes, and that its approach to the lives of two Southern California recent high-school graduates—both refusing to go to college, one unable to keep a job—may be a little too close for a true perspective. Enid is an overweight girl of 17 whose defensiveness takes the form of a sarcastically aggressive attitude toward the admittedly less than stimulating world of strip malls and faux-Fifties coffee shops. She is imaginative, but also horribly bratty; her best friend, Rebecca, is more serious but, being fundamentally aloof, is drawn to a rebellious loner like Enid, whose snooty pranks she reluctantly gets sucked into. The girls are indulged by the screenplay (co-written by the director, Terry Zwigoff, and Clowes), which views their snotty conversation and practical jokes with unabashed affection. This is the movie's first problem.

Zwigoff, who has directed a much-praised documentary (*Crumb*) about the anarchic cartoonist R. Crumb and his profoundly dysfunctional family, is obviously drawn to the cartoon sphere. In *Ghost World*, Enid even carries about a notebook full of her cartoonish drawings, actually executed by Crumb's teenage daughter, Sophie.

Both Enid and Rebecca are taken with Josh, a youth who works in a convenience store and is himself a bit of a loner. In the Zwigoff-Clowes worldview, all good persons are loners. So, too, is Seymour, a

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childish grownup, on whom the girls play a trick, but whom Enid—finding him a kindred spirit—grows fond of.

In this skewed world, all adults are suspect. Enid's father, known only as Dad, is a doormat to his daughter; Maxine, his former mistress (or is it second wife?), is fulsomely effusive to Enid, who duly despises her, especially after Dad brings her in to live with them. Seymour, who works in a record store and collects esoteric 78-rpm blues and jazz records, as well as other nostalgic bric-a-brac, is a sad sack; his collection, however, is totally to kill for. (*Totally* is the chief catchword in the girls' vocabulary, where things tend to be "totally cool" or "totally weird.")

It is interesting to note that Daniel Clowes seems to be similarly verbally disadvantaged. Explaining the work's title, he has said that he was walking in Chicago "in a really bad neighborhood" when he came across—among some "really illegible gang graffiti"—the words GHOST WORLD on a garage. "I thought at the time that there was really something sort of beautiful about that. . . . It struck me as having a really evocative, poetic quality." I guess one man's *really* is another man's *totally*.

Seymour, of course, is hiding his fear of the world and of women behind his precious records, quite a few of which find their way to the movie's soundtrack. He is a character who doesn't exist in the Clowes novel, and whom Zwigoff confesses to be modeled on himself: His first film was *Louie Bluie*, a one-hour documentary about an obscure Chicago jazz musician on one of whose 1934 recordings he happened to stumble.

And that is the film's second major problem. It is made up of short-breathed sequences that resemble jazz riffs or comic-strip installments. There is no cogent structure, but only more or less haphazard accretion. When the filmmakers want significance, they throw in Enid's discovery among Seymour's treasures of an old poster: a garish blackface caricature that once was the logo of the Coon Chicken Inn, an actual former restaurant chain. She takes it as a "found object" to her summer make-up course in art. Her goofily trendy teacher, Roberta, finds it fascinating; nevertheless, Enid ends up flunking the course because of it. But Enid learns nothing from this, and the film makes nothing further of it. That she is Jewish remains likewise unexplored.

Steve Buscemi, however, does a superb job as Seymour. With his beady eyes in their deep sockets, unhealthily pale face, and plaintive voice, he is the archetypal nerd. Enid calls him "such a clueless dork, he's almost cool." She first labors to fix him up with girls, but after wrecking his relations with them—in much the same way that she gets fired from all jobs, and cannot pay for her share of the apartment she and Rebecca have found—ends up tumbling into bed with him herself. Am I giving away too much plot? But plot is all there is.

It is instructive to compare this movie with Erick Zonca's French masterpiece, *The Dreamlife of Angels*, which I reviewed here. It too deals with two young girls trying to make it in a dreary provincial city. But that vastly superior film brings a compassionately adult sensibility to the thrashings about of confused youth.

The third flaw of *Ghost World* is its lack of charm. Thora Birch, who played a similar role in *American Beauty*, brings out neatly all of Enid's unappealing features, but no possible redeeming aspects. Rebecca, played by the rather stolid Scarlett Johansson, is scarcely more winning. Brad Renfro (Josh) is a cipher. As the art teacher, Illeana Douglas gives yet another of her blatantly over-the-top (or bottom-scraping) performances. Bob Balaban is too much of a dud as Dad. Whom, besides Buscemi, can we sympathize with?

Although its director, Tim Burton, may rightly claim that the new ***Planet of the Apes*** is neither a remake of nor a sequel to the delightful 1968 original, it is something worse: a wallowing in technology—whether of space travel, ape makeup, or digital special effects. I am not saying that this retelling of the story of an astronaut stranded on a planet where highly organized apes rule, while bestialized human beings are hunted for sport or turned into slaves, is wholly without interest. But the

A Weapon

Under this lake (so sandy
that fish jump out to breathe)
once a town was thriving,
inhabited by several peoples—
Huns, Jurchens, Tobas, Hans, Mongols.
They basked in the frontier's
freedom
and ignored the new dynasty.

The governor ordered its citizens
to surrender, but they refused.
They strangled the envoy,
roasted oxen and sheep,
drained wineskins, and poisoned
scimitars, arrows, spears.

One night the dam that stood above
the town
was opened.
Torrents swept their homes down
the lowland.
Within half an hour
the town disappeared.
A few men clung to treetops
calling to the army boats
for rescue—

One by one
we put them to the ax.

—Ha Jin

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original version's emotional and philosophical impact has been greatly reduced in favor of technological spectacle.

As a result, even the performances have become less absorbing. Charlton Heston was more movie-starrishly involving in 1968 than the boyish Mark Wahlberg is now; Kim Hunter managed to be more moving as the sympathetic chimpanzee scientist than Helena Bonham Carter is allowed to be today; and the other female principal, the human love interest, was more fetchingly handled by Linda Harrison in her wordless 1968 role than it is by the bulging-lipped Estella Warren, for all her words.

Paul Giamatti, in a part less good than Roddy McDowall's, nonetheless rustles up some comic relief, as do some irreverent references to the 1968 movie (including a dandy cameo by Heston). Most impressive is Tim Roth's truly scary primate villain. The new ending, trying to outdo the stunning 1968 one, falls ludicrously flat; still, this is the sort of movie everyone will want to explore and excoriate for himself. **NR**

■ SHELF LIFE ■

It was inevitable that the popular success of the "greatest generation" books about World War II would prompt a renewed interest in that war's antecedent. One of our best (and most readable) military historians, John S. D. Eisenhower, has just weighed in with *Yanks: The Epic Story of the American Army in World War I* (Free Press, 353 pp., $35), in which he demonstrates that the foundations of America's victory in World War II were laid when circumstances forced the creation of the modern U.S. Army in World War I.

Eisenhower's narrative explains lucidly what happened in the major battles in which U.S. troops were involved, and recounts movingly the heroism of such figures as Sergeant Alvin York. But the book includes more details of logistics and general-staff discussions than of battlefield derring-do, and is no less exciting for that—because the challenge faced by the U.S. when it entered the war in 1917 was both immense and terrifying. The American Army had just 200,000 men, and that included National Guardsmen. This force would have to be dramatically increased, and given professional training, before it could hope to make a difference on Europe's Western Front, where nearly 4 million Allied troops were facing some 2.5 million Germans.

Against the odds, and against the clock, the U.S. managed the feat. Writes Eisenhower: "A small Army, scattered about the American South and West, the Philippines, and elsewhere, expanded in nineteen months into an army of four million men, half of whom had been delivered overseas and well over a million of whom were fighting on the front lines." One consequence—German defeat—was relatively quick to arrive. "If the United States had not entered the war—or had elected not to send an expeditionary force abroad—there would never have been a Second World War; Germany would have won the first one." Another consequence was longer-lasting: The Army that was created in the crucible of the 1917–18 crisis went on to become the leading force for world peace in the 20th century.

Another new book, *The First World War, Volume I: To Arms* (Oxford, 1,227 pp., $39.95) by Hew Strachan, is the beginning of what promises to be a definitive history of the conflict. I say promises, because this first volume only takes us as far as the end of 1914—with the exception of Strachan's account of the war in a few theaters traditionally considered peripheral. These exceptions, however—for example, the 149-page chapter on the war in Africa—are important, because part of Strachan's purpose is to make clear that this was, in fact, a world war, and not just (as conventional wisdom would have it) a European civil war. Its status as a genuinely global conflict derives in large measure from the ambitious war aims of the Germans—which, Strachan explains, are expressed in a telling difference in terminology:

> Both the British and the French official histories described [WWI] as the Great War. In English that remained the common practice until 1939; in France even today "la grande guerre" is used more frequently than "la première guerre mondiale." But from its outset the German official history was dubbed, simply and massively, *Der Weltkrieg*, "the world war." . . . It was . . . the Central Powers that broadened the war in 1914; it was not Britain but Germany that pursued a peripheral strategy and aimed to strike its opponents at their weakest points in Africa and Asia. . . . Germany agitated among the subject peoples of Britain, France, and Russia; [and] this use of revolution was not, at least in the first instance—and in some areas of the world not ever—directed at creating German global domination. The pillars of the world order were to be shaken with no idea beyond the collapse of the existing edifice.

It was, in short, the spirit of negation on a global scale. Strachan's concluding chapter on "The Ideas of 1914" depicts the habits of thought that drove Germany into war: resentment of materialism, suspicion of capitalism, contempt for Britain's race of bourgeois shopkeepers. Germany is a prosperous nation today largely because it has embraced these values its intellectual leaders so recently detested; but the ideas themselves linger, in the streets of Seattle and Genoa.

Peace, as we know, brings its own problems, and *1918: War and Peace* (Overlook, 616 pp., $40), by Gregor Dallas, tells the story of the war's end in rich anecdotal detail. All the fascinating figures—Woodrow Wilson, J. M. Keynes, Herbert Hoover, Walther Rathenau—are here, along with the high politics of the making of peace at Versailles, and the low politics of the making of revolution in Berlin and Moscow.

Dallas's account of Armistice Day in London offers a wry reminder of the fallibility of historians. Dallas quotes from A. J. P. Taylor's *English History, 1914–1945*: "Total strangers copulated in doorways and on the pavements." Then he quotes another observer, who had been in the crowd that day: "I believe I should have noticed some of this."

—MICHAEL POTEMRA

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struggle for perspective in such matters, and Mrs. Graham, patron of investigative thought and journalism, would surely have encouraged this.

"What a terrible way to go," a friend remarked. One nods one's head when things like that are said, but, on deliberation, this surely wasn't so. Mrs. Graham was 84, she tripped and fell over, lost consciousness and never regained it in the two days before her heart stopped beating. There was a touch of the wry there: She had been going off to play bridge with Warren Buffett and Bill Gates. One doesn't know about her prowess in bridge, but a playful imagination wonders: If the bridge game had been consummated, would Buffett or Gates have ended up owning the *Washington Post*? My journalist son reminds me that Malcolm Forbes Sr. played bridge in London one night with Warren Buffett, got into his airplane (*The Capitalist Tool*), landed in New York, and forthwith died. Ironies reach out to provide some distraction from the natural gloom of the mourner. And go further, reminding us that mortality is an aspect of the human condition, and that however hard we fight against its implications, it is there and can be said to be mercifully there, when one broods on some of the alternatives. There are millions alive today who, while not hoping for death (to do that is *contra naturam*, a defiance of biological impulses), must, at moments, subconsciously wish that it had come some time before the suffering set in.

The theological idea that life should be continued for as long as possible derives from the conviction that life is an act of divine grace, not to be rejected. The four great religions frown on suicide. But two movements are loose in modern times that undermine that conviction. The first is the general secularization, which preaches simply that euthanasia is perfectly okay if that's what you want. The second qualifier is the extraordinary success of the science of longevity. Dr. Sherwin Nuland in his seminal book on how we die, accosts the problem. He begins by telling us that it is a temperamental given that if someone stricken by an accident or an ill turn in health submits to the care of young doctors, they will do everything in their power to keep the patient alive: This is a primal professional instinct. And Dr. Nuland himself, against his strategic judgment later in life, struggled to keep a doomed brother alive, and acquiesced in the mores of life preservation.

Well, Mrs. Graham is no longer there, to govern, to befriend, to enjoy and be enjoyed. But perhaps the mourners will reflect, at her funeral at the National Cathedral, on what many, including her gifted daughter Lally Weymouth, should permit themselves to think, even if they cannot say it, which is: That was, really, a wonderful way to go.

Countdown Time For Bush

NEW YORK, JULY 27

YESTERDAY an old and revered friend in casual conversation over the telephone said that President Bush will soon be ruling on the matter of embryonic-stem-cell research. "Of course, I'm for it, and you're against it." His wife suffers from aggravated Parkinson's disease, and the planted axiom of his enthusiasm for embryonic-stem-cell research (ESCR) was that it carried the hope that other women in future times would not suffer from what his wife, to whom he is so devoted, has borne. In such situations one maneuvers to change the subject; but you can't do that when at the opinion bar, which prompts from this quarter some pragmatic observations.

ESCR is going to take place. There are three policies our government could take on the matter. 1) The president could direct federal money to research centers that could proceed with the experimentation. 2) The president could veto the use of federal money for ESCR. 3) Congress could pass a law prohibiting ESCR within the borders of the United States.

If Bush says okay, use federal money, a body of Americans will be morally affronted. If Bush says no, ESCR will proceed in private laboratories at a lesser speed. If Congress prohibited the research, ESCR would struggle on in less sophisticated laboratories, and the benefits of successful embryonic manipulation would not inure to American embryology until complicated interactivity was effected across national medical frontiers.

Mr. Bush could temporize without moral ignominy if he reasoned as follows: We live in a society in which abortion is permitted. That being so, we have come to civil terms with the termination of fetal life every day, routinely. However much pro-lifers disapprove of the woman's decision to abort, they do not treat her as a pariah. If termination of fetal life is, under the law, permitted, then ESCR, which deals with pre-fetal life, cannot reasonably be denied without vitalizing a new moral consensus on the issue of the integrity of the unborn. But what Mr. Bush needs to avoid is the quandary of encouraging federal participation in ESCR, which translates to federal participation in the embryonic equivalent of abortion. The distinction here is vital.

The moral difficulty lies in presidential association with one or the other body of thought on embryonic-stem-cell research. The learned and quick-witted Ramesh Ponnuru of NATIONAL REVIEW is unyielding on the rigors of the slippery-slope argument. "Slippery slopes are slippery because the logic that starts you down them will lead you further down. During the stem-cell debate, people have said that it's okay to use embryos for research because we already 'discard' plenty of embryos as a byproduct of in vitro fertilization; they could with equal validity say that we should allow research on five-month-old fetuses because we allow them to be aborted."

Richard Brookhiser, the historian and essayist, writing in the *New York Observer*, acknowledges that in the Clinton years there was crystallizing resistance to partial-birth abortions. "With the debate over ESCR, the empire strikes back. On one side, the public is given to understand, are the opponents of abortion, certainly fanatical and probably religious, keening over lumps of cells. On the other is the research arm of the medical profession, asking only to be allowed to discover cures for Parkinson's disease."

Leadership here requires Bush to formulate ways of saying that opposition to the use of federal money for embryonic-stem-cell research is not the equivalent of indifference to the pain suffered by victims of Parkinson's disease. "It's too late in the day to be taking polls," Mr. Brookhiser concludes. "All they would show is that there is nothing to be gained, whatever he does. Senator Specter won't love President Bush even if he supports ESCR; Catholic voters, lazy and indifferent, won't support him if he agrees with the Pope. The only standard that can possibly guide Mr. Bush is to do the right thing. We will see if he knows what that is."

That is the challenge, to know what is the right thing.

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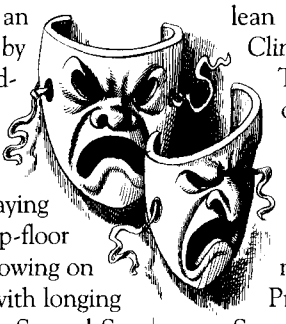
■ THE MISANTHROPE'S CORNER ■

FLORENCE KING

GLOBAL warming, anyone? Anyone? Just as I thought, so let's get to Condit-Levy.

This is the first time in the ten years I have been lurking back here that I have written on the same subject twice in a row, but there are reasons for my fixation.

The simplest reason is a nostalgic one going back nearly 60 years. I've been in Gary Condit's love nest. It's a condo now, but in my childhood it was an apartment house populated by sherry-sipping Southern widows who made up my grandmother's circle. She took me along with her to train me in the ladylike art of paying calls, and I remember that top-floor corner window they keep showing on TV. I used to gaze out of it with longing while Granny and Old Miz So-and-So gossiped euphemistically about some ailing woman they knew who had "never been well, never," and her invariably "considerate" husband, who "never bothered her."



The case is provoking visceral reactions everywhere, ripping away that thin veneer of verbal prudence known as the civilized response, and shedding light on the national psyche. The most significant outburst so far has come from my favorite blonde-former-federal-prosecutor, the gorgeous Cynthia Alksne, who lashed out at Condit's "little shirt and little tie and little hair, and his little jacket over his fingers!" It had nothing to do with the evidence but it was dead-on, a compendium of the reasonless reasons Condit repels people in a way that Bill Clinton never did or could.

Alksne's heated words recall the scene in *Doctor Zhivago* when the happily amoral, self-indulgent, luxury-loving Komarovsky compares himself to Pasha Antipov, the puritanical, ascetic, dedicated revolutionist whom Lara wants to love but can't. The world pretends to disapprove of men like himself, says Komarovsky, and to admire men like Pasha, "but in fact it despises them!"

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America needs the Levy case because it lets us tell ourselves that Clinton wasn't so bad after all, and lets us forgive ourselves for electing him twice. Thanks to Condit, Clinton has once again landed on his feet, rejuvenated in our collective subconscious as the unabashedly sensual rogue the world secretly likes under its pretense of disapproval. Our instinct warns that it is better to have about us men who are fat, and yon Condit has a lean and hungry look that makes Clinton seem safe.

The purists who say they are offended by the media's wall-to-wall coverage are like men who say they buy *Playboy* solely for the articles. This is as close as we have come to a murder rap in Congress since Preston Brooks caned Charles Sumner nearly to death in 1856. The only people who honestly believe it isn't newsworthy are the bigwigs at CBS, but not for the reasons they gave. I will bet anything that the real reason they wanted to keep it off the air was to prevent it from falling victim to Dan Rather's medical problems.

Afflicted with enlarged simile and inflammation of the metaphor, the only way he can relieve his pain is to do verbal stretching exercises with news lead-ins. CBS knew only too well what would happen if they let him report on Condit-Levy:

"The most popular movie in Washington is *The Quiet Man*, but John Wayne isn't in it."

"Gary Condit was seen disposing of a watch box, but he didn't put it in Al Gore's lock box."

"When the Levys hired a preacher to cut their grass, they never imagined he would hand them a clump of deadly nightshade."

My own visceral responses to the case are distinctly Southern, which is about as far removed from the civilized response as you can get. You can take the girl out of the South but you can't take the South out of the girl, e.g., "Why doesn't her father kill him?" Fathers are supposed to do that sort of thing for you, and so are brothers, which is the only reason I regret being an only child. It helps my fantasies along to know that Chandra at least has one brother, though six is the classic number (the oldest is always the one holding the rope).

The way Chandra conducted the affair makes me want to shake her. According to her aunt, she was ever agreeable and accommodating, did everything he told her without question, waited by the phone for him to call, and refused to go out with other men to show him how "monogamous" she was.

This is not how we do it. When a Southern woman is involved with a man, she instinctively behaves like those recalled cars whose transmissions suddenly slip from park into gear and start rolling. The point of it all is to turn him into a mental and emotional wreck.

"Scarlett, realizing that a girl has only two sides and only one man can sit on each of these sides, had elected to sit apart so she could gather about her as many men as possible."

"Usually she made them beg and plead, while she put them off, refusing to give a Yes or No answer, laughing if they sulked, growing cool if they became angry."

"You could laugh softly at them and when they came flying to see why you laughed, you could refuse to tell them and laugh harder and keep them around indefinitely trying to find out."

All women used to acknowledge the strategic value of Southern-belle tactics, but women's magazines haven't published articles on teasing and playing hard-to-get for decades. What they have seen fit to publish was made abundantly clear by Chandra's aunt, who advised her to make herself irresistible to Condit by color-coordinating his closet. Something tells me she didn't get this from the memoirs of Ninon de Lenclos, so where did she get it? She's of an age to have been a *Cosmopolitan* reader back when I was writing for them, so she may have gotten it from me.

My ultimate Southern reaction was triggered by Anne Marie Smith, who affects me the way Belle Watling affected Mammy: "Ah ain' never seed ha'r dat color in mah life. Not even in the de Tarleton fambly." **NR**

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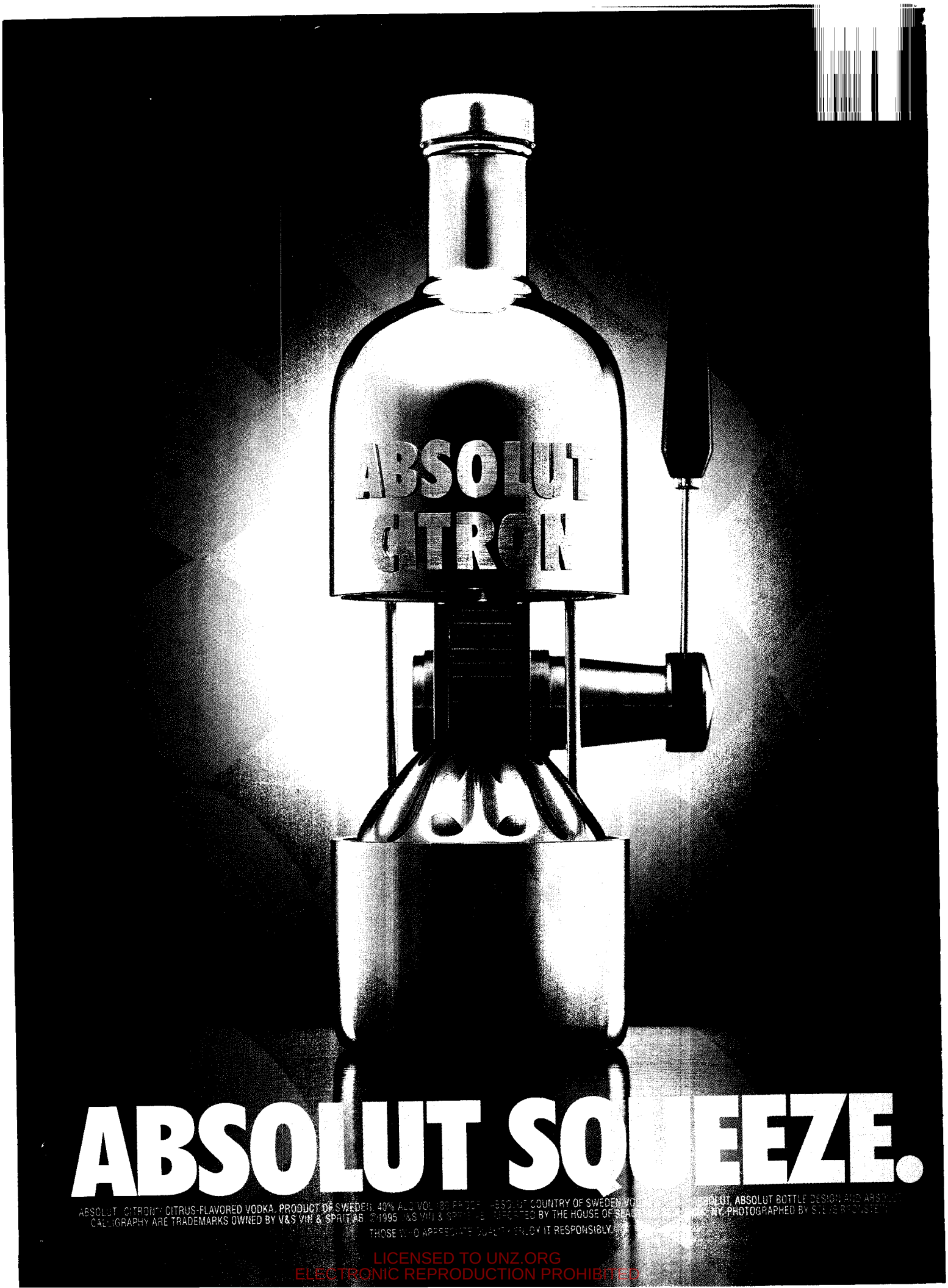

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